

## **Title 22C**

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**22C.010.010****Purpose**

The residential zones implement the single-family and higher density residential goals and policies and land use plan map designations of the comprehensive plan. They are intended to preserve land for housing and to provide housing opportunities for individual households. The zones are distinguished by the uses allowed and the intensity of development allowed. The differences in the zoning categories reflect the diversity of residential areas in the City. The limits on the intensity of uses and the development standards promote the desired character for the residential area. The standards are

intended to provide certainty to property owners, developers and neighbors of what is allowed in the various categories.

### **22C.010.020 List of the Residential Zones**

The full names, short names and map symbols of the single-family and higher density residential zones are listed below.

<b>Full Name</b>	<b>Short Name/Map Symbol</b>
Medium density single-family	R-4.5
High density single-family	R-6.5
High density single-family, small lot	R-8
Whiskey Ridge, high density single-family	WR R-4-8
Low density multiple-family	R-12
Medium density multiple-family	R-18
High density multiple-family	R-28
Whiskey Ridge, medium density multiple-family	WR R-6-18
Residential Mobile Home Park	R-MHP
Small Farms Overlay	SF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

### **22C.010.030 Characteristics of Residential Zones**

#### **(1) Medium Density Single-Family (R-4.5).**

The R-4.5 zone is a medium-density single-family residential zone. It allows single family residences at a density of 4.5 dwelling units per acre. Duplexes are permitted as a conditional use with a maximum density of 6 dwelling units per acre. The major type of new development will be detached single-family residences. The R-4.5 zone is applied to areas that are designated Medium Density Single Family on the land use plan map of the comprehensive plan.

#### **(2) High Density Single-Family (R-6.5).**

The R-6.5 zone is a high-density single-family residential zone. It allows single family residences at a density of 6.5 dwelling units per acre. Duplexes are permitted outright on 7,200 SF lots with a maximum density of 8 dwelling units per acre. The major type of new development will be detached single-family residences. The R-6.5 zone is applied to areas that are designated High Density Single Family on the land use plan map of the comprehensive plan.

#### **(3) High Density Single-Family, Small Lot (R-8).**

The R-8 zone is a high-density single-family, small lot residential zone. It allows single family residences at a density of 8 dwelling units per acre. Duplexes are permitted outright on 7,200 SF lots with a maximum density of 8 dwelling units per acre. The major type of new development will be detached single-family residences. The R-8 zone is applied to areas that are designated High Density Single Family – Small Lot on the land use plan map of the comprehensive plan.

#### **(4) Whiskey Ridge, High Density Single-Family (WR R-4-8).**

The WR R-4-8 zone is a high-density single-family residential zone. It allows single family residences at a density range of 4.5 to 8 dwelling units per acre. Duplexes are permitted outright on 7,200 SF lots with a maximum density of 8 dwelling units per acre. The major type of new development will be detached single-family residences. The WR R-4-8 zone is applied to areas that are designated Whiskey Ridge, High Density Single-Family on the land use plan map of the comprehensive plan.

#### **(5) Low Density Multiple-Family (R-12).**

The R-12 zone is a low density multiple-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, apartments and condominiums. The density is twelve units per acre; the maximum is limited to eighteen units per acre.

#### **(6) Medium Density Multiple-Family (R-18).**

The R-18 zone is a medium density multiple-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, apartments and condominiums. The density is eighteen units per acre; the maximum is limited to twenty-seven units per acre.

**(7) High Density Multiple-Family (R-28).**

The R-28 zone is a high density multiple-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, apartments and condominiums. The density is twenty-eight units per acre; the maximum is limited to thirty-six units per acre.

**(8) Whiskey Ridge, Medium Density Multiple-Family (WR R-6-18).**

The WR R-6-18 zone is a medium density multiple-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, apartments and condominiums. The density is six units per acre for detached single-family and ten units per acre for attached multiple-family; the maximum is limited to eighteen units per acre.

**(9) Residential Mobile Home Park (R-MHP).**

The R-MHP zone preserves high density, affordable detached single-family and senior housing. This zone is assigned to existing mobile home parks within residential zones which contain rental pads, as opposed to fee simple owned lots, and as such are more susceptible to future development.

**22C.010.040 Additional Zoning Standards**

The standards in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, sub-area or master plans are subject to additional standards. The official zoning maps indicate which sites are subject to these additional standards.

**22C.010.050 Residential Zone Primary Uses****(1) Permitted Uses (P).**

Uses permitted in the residential zones are listed in [MMC 22C.010.060](#) with a "P." These uses are allowed if they comply with the development standards and other standards of this chapter.

**(2) Conditional Uses (C).**

Uses that are allowed if approved through the conditional use review process are listed in [MMC 22C.010.060](#) with a "C." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "C" that also have a footnote number in the table are subject to the standards cited in the footnote. The conditional use review process and approval criteria are stated in [Chapter 22G.010 MMC](#).

**(3) Uses Not Permitted.**

If no symbol appears in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(4) If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number are listed in [MMC 22C.010.070](#).

(5) If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number are listed in [MMC 22C.010.070](#).

(6) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

**22C.010.060 Permitted Uses**

Specific Land Use	R-4.5	R-6.5	R-8	WR R-4-8	R-12	R-18	R-28	WR R-6-18	R-MHP
<b>Residential land uses</b>									
<b>Dwelling Units, Types:</b>									
Single detached (14)	P11	P11	P11	P11	P11	P11	P11	P11	P43
Cottage housing	C6	C6	C6	C6	C6	C6	C6	C6	
Duplex (14)	C8	P8	P8	P8	P	P	P	P	
Townhouse	P3	P3	P3	P3	P	P	P	P	
Multiple-family					P	P	P	P	

Mobile home	P12	P12	P12	P12	P12	P12	P12	P12	P12
Mobile/Manufactured home park	P3	P3	P3		C	P	P		P45
Senior citizen assisted	C2	C2	C2	C2	C2	C2	C2	C2	C2
Factory-built	P7	P7	P7	P7	P7	P7	P7	P7	P7, 43
Recreational Vehicle									P44
<b>Group Residences:</b>									
Adult family home	P	P	P	P	P	P	P	P	P
Convalescent, nursing, retirement	C2	C2	C2	C2	C2	C2	C2	C2	
Residential care facility	P	P	P	P	P	P	P	P	
Master planned senior community (15)	C	C	C	C	C	C	C	C	C
<b>Accessory Uses:</b>									
Residential accessory uses (1) (9) (10)	P	P	P	P	P	P	P	P	P
Home occupation (5)	P	P	P	P	P13	P13	P13	P13	P
<b>Temporary Lodging:</b>									
Hotel/motel					P	P	P	P	
Bed and breakfast guesthouse (4)		C	C	C	P	P	P	P	
Bed and breakfast inn (4)					P	P	P	P	
<b>Recreation/cultural land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>
<b>Park/Recreation:</b>									
Park	P16	P16	P16	P16	P16	P16	P16	P16	P16
Recreational vehicle park									C
Community center	C	C	C	C	C	C	C	C	C
<b>Amusement/Entertainment:</b>									
Sports club					C	C	C	C	
Golf facility (17)	C	C	C	C	P	P	P	P	
<b>Cultural:</b>									
Library, museum and art gallery	C	C	C	C	C	C	C	C	C
Church, synagogue and temple	C	C	C	C	P	P	P	P	C
<b>General services land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>
<b>Personal Services:</b>									
Funeral home/crematory	C18	C18	C18	C18	C18	C18	C18	C18	C18
Cemetery, columbarium or mausoleum	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19	P24 C19
Day care I	P20	P20	P20	P20	P20	P20	P20	P20	P20
Day care II	C25	C25	C25	C25	C	C	C	C	C25
Stable	C	C	C	C					
Kennel or cattery, hobby	C	C	C	C	C	C	C	C	
Electric Vehicle (EV) Charging Station (38), (39)	P	P	P	P	P	P	P	P	

EV Rapid Charging Station (40), (41), (42)					P	P	P	P	
<b>Health Services:</b>									
Medical/dental clinic					C	C	C	C	
<b>Education Services:</b>									
Elementary, middle/junior high, and senior high (including public, private and parochial)	C	C	C	C	C	C	C	C	C
Commercial school	C21	C21	C21	C21	C21	C21	C21	C21	
School district support facility	C23	C23	C23	C23	C23	C23	C23	C23	
Interim recycling facility	P22	P22	P22	P22	P22	P22	P22	P22	
Vocational school									
<b>Government/business service land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>
<b>Government Services:</b>									
Public safety facilities, including police and fire	C26	C26	C26	C26	C26	C26	C26	C26	C26
Utility facility	P	P	P	P	P	P	P	P	P
Private stormwater management facility	P	P	P	P	P	P	P	P	P
Public stormwater management facility	P	P	P	P	P	P	P	P	P
<b>Business Services:</b>									
Self-service storage (31)					C27	C27	C27	C27	
Professional office					C	C	C	C	
Automotive parking	P29	P29	P29	P29	P29	P29	P29	P29	
Model house sales office	P30	P30	P30	P30					
Wireless communication facility (28)	P C	P C	P C	P C	P C	P C	P C	P C	P C
<b>Retail/wholesale land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>
Forest products sales	P32	P32	P32	P32					
Agricultural crop sales	P32	P32	P32	P32					
<b>Resource land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>
<b>Agriculture:</b>									
Growing and harvesting crops	P34	P34	P34	P34					
Raising livestock and small animals	P35	P35	P35	P35					
<b>Forestry:</b>									
Growing and harvesting forest products	P34	P34	P34	P34					
<b>Fish and wildlife management:</b>									
Hatchery/fish preserve (33)	C	C	C	C					
Aquaculture (33)	C	C	C	C					
<b>Regional land uses</b>									
<b>Specific Land Use</b>	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R-4-8</b>	<b>R-12</b>	<b>R-18</b>	<b>R-28</b>	<b>WR R-6-18</b>	<b>R-MHP</b>

Regional storm water management facility	C	C	C	C	C	C	C	C	C
Nonhydroelectric generation facility	C	C	C	C	C	C	C	C	C
Transit park and pool lot	P	P	P	P	P	P	P	P	
Transit park and ride lot	C	C	C	C	C	C	C	C	
School bus base	C36	C36	C36	C36	C36	C36	C36	C36	
Racetrack	C37	C37	C37	C37	C37	C37	C37	C37	
College/university	C	C	C	C	C	C	C	C	

**22C.010.070****Permitted Uses - Development Conditions**

(1) Accessory dwelling units must comply with development standards in [Chapter 22C.180 MMC](#). Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.

(2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.

(3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.

(4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in [Chapter 22C.210 MMC](#).

(5) Home occupations are subject to the requirements and standards contained in [Chapter 22C.190 MMC](#).

(6) Subject to cottage housing provisions set forth in [MMC 22C.010.280](#).

(7) Factory built dwelling units shall comply with the following standards:

(a) A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.

(b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.

(8) Permitted outright in the R-6.5, R-8, and WR R4-8 zones on minimum 7,200-square foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.

(9) A garage sale shall comply with the following standards:

(a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.

(b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

A garage sale complying with the above conditions shall be considered as being an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

(10) Residential accessory structures must comply with development standards in [Chapter 22C.180 MMC](#).

(11) Manufactured homes must:

(a) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate;

(b) Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;

(c) Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located.

(12) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

(13) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

- (14) No more than one single-family detached or duplex dwelling(s) is allowed per lot except in planned residential developments, through the provisions of [Chapter 22G.080 MMC](#), using the binding site plan (BSP) process outlined in [Chapter 22G.100 MMC](#), and designated on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or accessory dwelling units through the provisions of [Chapter 22C.180 MMC](#).
- (15) Subject to [Chapter 22C.220 MMC](#), Master Planned Senior Communities.
- (16) The following conditions and limitations shall apply, where appropriate:
- (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision, mobile/manufactured home park, or multiple-family development proposal; otherwise a conditional use permit is required;
  - (b) Lighting for structures and fields shall be directed away from residential areas; and
  - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (17) Golf facilities shall comply with the following:
- (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
  - (b) Restaurants are permitted as an accessory use to a golf course.
- (18) Only as an accessory to a cemetery.
- (19) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (20) Only as an accessory to residential use and subject to the criteria set forth in [Chapter 22C.200](#).
- (21) Only as an accessory to residential use, provided:
- (a) Students are limited to 12 per one-hour session;
  - (b) All instruction must be within an enclosed structure; and
  - (c) Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- (22) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (23) Only when adjacent to an existing or proposed school.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (25) Daycare IIs must be located on sites larger than 0.5 acres and are subject to minimum standards identified in [Chapter 22C.200](#) for Daycare I facilities. Parking facilities and loading areas shall be located to the rear of buildings or be constructed in a manner consistent with the surrounding residential character. Evaluation of site suitability shall be reviewed through the conditional use permit process.
- (26) Public safety facilities, including police and fire shall comply with the following:
- (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
  - (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
- (27) Accessory to an apartment development of at least 12 units, provided:
- (a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;
  - (b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
  - (c) The use of the facility shall be limited to dead storage of household goods;
  - (d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
  - (e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
  - (f) No residential occupancy of the storage units;
  - (g) No business activity other than the rental of storage units to the apartment dwellings on the site; and
  - (h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.



(28) All WCFs and modifications to WCFs are subject to [Chapter 22C.250 MMC](#) including, but not limited to, the siting hierarchy, [MMC 22C.250.060](#). WCFs may be a permitted use or a conditional use subject to [MMC 22C.250.040](#).

(29) Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

(a) They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

(b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.

(30) Model house sales office shall comply with the following:

(a) The community development director may approve construction of model homes subject to the following conditions:

(i) No model home shall be constructed without the issuance of a building permit;

(ii) In no event shall the total number of model homes in a preliminary subdivision be greater than nine;

(iii) A hard-surfaced roadway to and abutting all model homes shall be constructed to standards determined by the city engineer or designee;

(iv) Operational fire hydrant(s) must be available in accordance with the International Fire Code;

(v) Submittal of a site plan, stamped by a registered civil engineer or licensed surveyor, delineating the location of each structure relative to existing and proposed utilities, lot lines, easements, roadways, topography and critical areas;

(vi) Submittal of building permit applications for each of the proposed structures;

(vii) Approval of water, sewer and storm sewer extension plans to serve the proposed structures; and

(viii) Execution of an agreement with the city saving and holding it harmless from any damages, direct or indirect, as a result of the approval of the construction of model homes on the site.

(b) Prior to occupancy of any model home, the final plat of the subject subdivision shall be approved and recorded.

(31) Any outdoor storage areas are subject to the screening requirements of the landscape code.

(32) Subject to approval of a small farms overlay zone.

(33) May be further subject to the provisions of the Marysville Shoreline Master Program.

(34) Only allowed in conjunction with the small farms overlay zone.

(35) Provided that the property has received approval of a small farms overlay designation, or is larger than one acre in size.

(36) Only in conjunction with an existing or proposed school.

(37) Except racing of motorized vehicles.

(38) Level 1 and Level 2 charging only.

(39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.

(40) The term "Rapid" is used interchangeably with Level 3 and Fast Charging.

(41) Only "electric vehicle charging stations – restricted" as defined in [Chapter 22A.020 MMC](#).

(42) Rapid (Level 3) Charging Stations are required to be placed within a parking garage.

(43) One single-family detached dwelling per existing single lot or record. Manufactured Homes on single lots must meet the criteria outlined in footnote 11 above.

(44) Used as a permanent residence in an established MHP or RV park provided that utility hook ups in MHPs meet current standards for MHPs or RV parks.

(45) MHPs shall fulfill the requirements of [Chapter 22C.230 MMC](#).

(46) Recreational vehicle parks are subject to the requirements and conditions of [Chapter 22C.240 MMC](#).

#### **22C.010.080 Densities and Dimensions.**

(1) **Interpretation of tables.**

(a) [MMC 22C.010.080\(2\)](#) contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology are set forth in [MMC 22C.010.100](#) through [22C.010.250](#).

(b) The density and dimension table is arranged in a matrix format and are delineated into the residential use categories.

(c) Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone set forth in [MMC 22C.010.090](#). A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.

(2) **General Densities and Dimension Standards.**

	<b>R-4.5</b>	<b>R-6.5</b>	<b>R-8</b>	<b>WR R4-8 (16)(17)</b>	<b>R-12 (13)</b>	<b>R-18 (13)</b>	<b>R-28 (13)</b>	<b>WR R6-18 (13)(16)(17)</b>
Density: Dwelling unit/acre (6)	4.5 du/ac	6.5 du/ac	8 du/ac	4.5 du/ac	12 du/ac	18 du/ac	28 du/ac	6 du/ac (detached sf) 10 du/ac (attached multifamily)
Maximum density: Dwelling unit/acre (1)	–	–	–	8 du/ac	18 du/ac	27 du/ac	36 du/ac	18 du/ac
Minimum street setback (3) (15)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft (8)	20 ft	25 ft	25 ft	20 ft
Minimum side yard setback (3)	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10, 11, 12)	10 ft (10)	10 ft (10, 11, 12)
Minimum rear yard setback (3)	20 ft	20 ft	20 ft	20 ft	25 ft	25 ft	25 ft	25 ft
Base height	30 ft	30 ft	30 ft	30 ft	35 ft (4)	45 ft (4)	45 ft (4)	35 ft (4)
Maximum building coverage: Percentage (5)	35%	35%	50%	50%	50%	50%	50%	40%
Maximum impervious surface: Percentage (5)	45%	45%	50%	50%	70%	70%	75%	70%
Minimum lot area	5,000 sq. ft	5,000 sq. ft	4,000 sq. ft	5,000 sf	–	–	–	–
Minimum lot area for duplexes (2)	12,500 sq. ft	7,200 sq. ft	7,200 sq. ft	7,200 sf	–	–	–	–
Minimum lot width (3)	60 ft	50 ft	40 ft	40 ft	70 ft	70 ft	70 ft	70 ft
Minimum lot frontage on cul-de-sac, sharp curve, or panhandle (14)	20 ft	20 ft	20 ft	20 ft	–	–	–	–

**22C.010.090 Densities and Dimensions – Development Conditions.**

(1) Maximum density: Dwelling unit/acre

(a) The maximum density for R-12, R-18 R-28, WR R4-8 and WR R6-18 zones may be achieved only through the application of residential density incentive provisions outlined in [Chapter 22C.090 MMC](#).

(b) The maximum net density for the single-family zones is the same as the base density; provided, that for PRD developments the maximum density may be increased by up to 20 percent through the application of residential density incentive provisions outlined in [Chapter 22C.090 MMC](#).

(2) The minimum lot sizes for duplexes apply to lots or parcels which existed on or before the effective date of the ordinance codified in this chapter. All new duplex lots created through the subdivision or short subdivision process shall be a minimum of 7,200 square feet in size, must include a “duplex disclosure,” and comply with the density requirements of the comprehensive plan (six units per acre for the R-4.5 zone and eight units per acre for the R-6.5, R-8, and WR-R4-8 zones).

- (3) These standards may be modified under the provisions for zero lot line and townhome developments.
- (4) Base Height:
- (a) Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit; provided, that the maximum height may not exceed 60 feet.
- (b) Multiple-family developments, located outside of Planning Area 1, abutting or adjacent to areas zoned as single-family, or areas identified in the comprehensive plan as single-family, may have no more floors than the adjacent single-family dwellings, when single-family is the predominant adjacent land use.
- (5) Applies to each individual lot. Building coverage and impervious surface area standards for:
- (a) Regional uses shall be established at the time of permit review; or
- (b) Nonresidential uses in residential zones shall comply with [MMC 22C.010.250](#).
- (6) Density: Dwelling unit/acre
- (a) The densities listed for the single-family zones (R-4.5, R-6.5, R-8) and single-family development in the Whiskey Ridge zones (WR R4-8, WR R6-18) are maximum net densities.
- (b) Mobile home parks shall be allowed a maximum density of eight dwelling units per acre, unless located in the R-4.5 or R-6.5 zones, in which case they are limited to the density of the underlying zone.
- (7) The standards of the R-4.5 zone shall apply if a lot is less than 15,000 square feet in area.
- (8) On a case-by-case basis, the street setback may be reduced to 10 feet; provided, that at least 20 linear feet of driveway is provided between any garage, carport, or other fenced parking area and the street property line, or the lot takes access from an alley. The linear distance shall be measured in a straight line from the nearest point of the garage, carport or fenced area to the access point at the street property line. In the case of platted lots, no more than two consecutive lots may be reduced to 10 feet.
- (9) Residences shall have a setback of at least 50 feet from any property line if adjoining an agricultural zone either within or outside the city limits.
- (10) For townhomes or apartment developments, the setback shall be the greater of:
- (a) Twenty feet along any property line abutting R-4.5 through R-8, and WR-R4-8 zones; or
- (b) The average setback of the R-4.5 through R-8 zoned and platted single-family detached dwelling units from the common property line separating said dwelling units from the adjacent townhome or apartment development, provided the required setback applied to said development shall not exceed 60 feet. The setback shall be measured from said property line to the closest point of each single-family detached dwelling unit, excluding projections allowed per [MMC 22C.010.210](#) and accessory structures existing at the time the townhome or apartment development receives approval by the city.
- (11) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.
- (12) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.
- (13) Single-family detached units on individual lots within the R-12 through R-28, and WR-R6-18 zones shall utilize the dimensional requirements of the R-8 zone, except the base density.
- (14) Provided that the front yard setback shall be established as the point at which the lot meets the minimum width requirements. On a case-by-case basis, the street setback may be reduced to the minimum of 20 feet; provided, that the portion of the structure closest to the street is part of the "living area," to avoid having the garage become the predominant feature on the lot.
- (15) Subject to [MMC 22A.020.130 "Lot Lines" \(1\)\(a\)](#).
- (16) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.
- (17) Projects with split zoning (two or more distinct land use zones) may propose a master site plan to density average at the zone edge or modify the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition between land uses and zones. Approval is at the discretion of the community development director.

**22C.010.100****Measurement methods.**

The following provisions shall be used to determine compliance with this title:

(1) Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround or in the case of a substandard street, the setbacks shall be measured from the edge of the ultimate right-of-way section planned for the street, except as provided by [MMC 22C.010.200](#);

(2) Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, five-foot (or less) wide pedestrian walkways or surface water retention/detention facilities.

**22C.010.110 Calculations – Allowable dwelling units.**

Permitted number of dwelling units shall be determined as follows:

(1) The maximum allowed number of dwelling units shall be computed by multiplying the net project area (in acres) by the applicable residential density.

(2) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(a) Fractions of 0.50 or above shall be rounded up; and

(b) Fractions below 0.50 shall be rounded down.

**22C.010.120 Calculations – Site area used for density calculations.**

(1) Critical areas and their buffers may be used for calculation of allowed residential density whenever two or more residential lots or dwelling units are created subject to the on-site density transfer provisions outlined in [MMC 22E.010.360](#).

(2) The net project area of a multiple-family or single-family site may be used in the calculation of allowed residential density.

**22C.010.130 Lot area – Prohibited reduction.**

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

**22C.010.140 Minimum lot area for construction.**

Except as provided for in [Chapter 22G.080 MMC](#):

(1) In the R zones, a single-family dwelling may be established on an existing vacant lot, which cannot satisfy the bulk or dimensional requirements of this chapter, provided the following criteria are met:

(a) The lot was established by conveyance of record prior to [August 10, 1969](#) and its dimensions have not been modified since said conveyance; or the lot was created by an approved plat and satisfied the bulk and dimensional requirements applicable at the time of its creation; and

(b) The lot is not less than 4,000 square feet in size, or such greater size as may be required by the Snohomish health district if an on-site sewage disposal system is involved; and

(c) Development of the lot will comply with all bulk and dimensional regulations in this chapter relating to setbacks, maximum lot coverage and off-street parking, as such regulations exist on the date of application for development permits.

**22C.010.150 Setbacks – Specific building or use.**

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use.

**22C.010.160 Setbacks – Modifications.**

The following setback modifications are permitted:

(1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line.

(2) When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.

(3) When a base station or WCF equipment is proposed for placement on private property abutting ROW, the setback may be administratively reduced, provided the application demonstrates good cause for such reduction and adequate area for screening and landscaping is provided.

**22C.010.170 Setbacks – From regional utility corridors.**

(1) In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

(2) In other types of land development permits, easements shall be used to delineate such corridors.

(3) All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor.

**22C.010.180 Setbacks – From private roads or access easements.**

Structures may be built to five feet of the property line on lots adjacent to a private road or access easement.

**22C.010.190 Setbacks – From alleys.**

(1) Structures may be built to five feet of the property line abutting an alley, except as provided in subsection (2) of this section.

(2) Vehicle access points from garages, carports or fenced parking areas shall be set back a minimum of 10 feet from the lot line abutting an alley, except where the access point faces an alley with a right-of-way width of 10 feet, in which case the garage carport, or fenced parking area shall not be located within 20 feet from the rear lot line. No portion of the garage or the door in motion may cross the property line.

(3) Rear setbacks for detached accessory structures located in Planning Area 1 "Downtown Neighborhood" may be reduced as set forth in [MMC 22C.180.020\(2\)](#).

**22C.010.200 Setbacks – Adjoining half-street or designated arterial.**

In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

**22C.010.210 Setbacks – Projections allowed.**

Projections may extend into required setbacks as follows:

(1) Fireplace structures including eaves and factory-built garden or bay windows may project into any setback, provided such projections are:

- (a) Limited to two per facade,
- (b) Not wider than 10 feet, and
- (c) Not more than 24 inches into a side setback or 30 inches into a front or rear setback;

(2) Uncovered porches and decks, including stairs, which exceed 30 inches above the finished grade may project:

- (a) Eighteen inches into side setbacks, and
- (b) Five feet into the front or rear setback;

(3) Uncovered porches and decks not exceeding 30 inches above the finished grade may project to the property line;

(4) Eaves may not project more than:

- (a) Twenty-four inches into a side setback,
- (b) Thirty-four inches into a front or rear setback, or
- (c) Eighteen inches across a lot line in a zero lot line development.

**22C.010.220 Height – Exceptions to limits.**

The following structures may be erected above the height limits of [MMC 22C.010.080](#):

(1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and

(2) Fire or parapet walls, skylights, chimneys, smokestacks, church steeples, and utility line towers and poles.

**22C.010.230 Lot divided by zone boundary.**

When a lot is divided by a zone boundary, the following rules shall apply:

(1) When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

(2) When a lot contains residential zones of varying density, any residential density transfer within the lot shall only be allowed from the portion with the lesser residential density to that of the greater residential density; and

(3) Uses on each portion of the lot shall only be those permitted in each zone pursuant to [Chapter 22C.010 and 22C.020 MMC](#).

**22C.010.240 Sight distance requirements.**

Except for traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

(1) A sight distance triangle area per city standards shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 30 inches and eight feet above the existing street grade;

Note: The area of a sight distance triangle between 30 inches and eight feet above the existing street grade shall remain open.

(2) The community development director or city engineer may require modification or removal of structures or landscaping located in required street setbacks, if:

(a) Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and

(b) No reasonable driveway relocation alternative for an adjoining lot is feasible.

**22C.010.250 Nonresidential land uses in residential zones.**

Except for utility facilities and regional land uses listed in [MMC 22C.010.060](#), all nonresidential uses located in residential zones shall be subject to the following requirements:

(1) Building coverage shall not exceed:

(a) Fifty percent of the site in the R-4.5, R-6.5, R-8 and WR R-4-8 zones.

(b) Sixty percent of the site in the R-12, R-18, R-28 and WR R6-18 zones.

(2) Impervious surface coverage shall not exceed:

(a) Seventy percent of the site in the R-4.5, R-6.5, R-8 and WR R-4-8 zones.

(b) Eighty percent of the site in the R-12, R-18, R-28 and WR R6-18 zones.

(3) Buildings and structures, except fences and wire or mesh backstops, shall not be closer than 30 feet to any property line, except as provided in subsection (d).

(4) A single detached dwelling unit allowed as accessory to a church or school shall conform to the setback requirements of the zone.

(5) Parking areas are permitted within the required setback area from property lines, provided such parking areas are located outside of the required landscape area.

(6) Sites shall abut or be accessible from at least one public street functioning at a level consistent with city of Marysville street design standards. New high school sites shall abut or be accessible from a public street functioning as an arterial per the city of Marysville design standards.

(7) The base height shall conform to height limitation of the zone in which the use is located.

**22C.010.250 Residential Design Requirements - Purpose**

[MMC 22C.010.250](#) through [MMC 22C.010.400](#) apply to new multifamily residential and high density (8+ du/acre) single-family development. The purpose of these sections is to:

(1) Encourage the realization and creation of a desirable and aesthetic environment in the city of Marysville;

(2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;

(3) Encourage creative approaches to the use of land and related physical developments;

(4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;

(5) Reinforce streets as public places that encourage pedestrian and bicycle travel;

(6) Reduce opportunities for crimes against persons and property;

(7) Minimize land use conflicts and adverse impacts;

(8) Provide roadway and pedestrian connections between residential and commercial areas;

(9) Provide public places and open space networks to create gateways, gathering places, and recreational opportunities that enhance the natural and built environment;

(10) Minimize the rate of crime associated with persons and property and provide for the highest standards of public safety through the implementation of crime prevention through environmental design (CPTED) principles in design review.

**22C.010.260 Residential Design Requirements – Applicability and interpretations.**



## (1) Applicability.

(a) These design standards apply to all new planned residential developments (PRD) in any zone, multifamily structures in any zone and residential development within the following zones: high density multiple-family (R-28), medium density multiple-family (R-18), low density multiple-family (R-12), high density single-family, small lot (R-8).

(b) The standards specified in the following sections shall be applied by the city to individual building permits for single-family residences, [MMC 22C.010.310](#); duplexes, [MMC 22C.010.400](#); and accessory uses, [Chapter 22C.180 MMC](#); provided, that the applicable standards shall be those in effect on the date that the city approves the preliminary subdivision, short subdivision, or binding site plan, whichever is applicable, unless the applicant opts to have the city apply the standards that may have been revised by the city after such date.

(c) The following activities shall be exempt from these standards:

(i) Construction activities which do not require a building permit;

(ii) Interior remodels of existing structures;

(iii) Modifications or additions to existing multifamily and public properties when the modification or addition:

(A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and

(B) Constitutes less than 10 percent of the existing building's exterior facade.

(d) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.

## (2) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. The following resources can be used in interpreting the guidelines: Residential Development Handbook for Snohomish County Communities (prepared for Snohomish County Tomorrow by Makers, Inc.), Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993), and City Comforts (David Sucher, 1996).

(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or

(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

**22C.010.270****Zero lot line development.**

In any PRD overlay zone, interior setbacks may be modified during subdivision or short subdivision review as follows:

If a building is proposed to be located within a normally required interior setback:

- (1) An easement shall be provided on the abutting lot of the subdivision that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided for common wall construction;
- (2) The easement area shall be free of structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
- (3) Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yard areas of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other opaque materials, and shall not be capable of being opened, except for clerestory-style windows or skylights; and
- (4) The final plat or short plat shall show the approximate location of buildings proposed to be placed in a standard setback area.

**22C.010.280 Cottage housing developments.**

- (1) Purpose. The purpose of this section is to:
  - (a) Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households);
  - (b) Provide opportunities for ownership of small, detached units within a single-family neighborhood;
  - (c) Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;
  - (d) Support the growth management goal of more efficient use of urban residential land; and
  - (e) Provide guidelines to ensure compatibility with surrounding uses.
- (2) Applicability. Cottage housing developments are allowed in the following areas: residentially zoned properties in Downtown Planning Area 1; single-family zones where properties are encumbered by at least 35 percent critical areas and associated buffers; and single-family zoned parcels adjacent, including across the street in some cases, to multifamily, commercial and industrial zoned parcels, as a transition to multi-family, commercial and industrial uses.
- (3) Accessory dwelling units shall not be permitted in cottage housing developments.
- (4) Density and Minimum Lot Area.
  - (a) Cottage housing developments shall contain a minimum of four cottages arranged on at least two sides of a common open space or configuration as otherwise approved by the director, with a maximum of 12 cottages per development.
  - (b) On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
  - (c) Cottage housing developments shall be allowed a density not to exceed two times the base density allowed in the underlying zone.
- (5) Height Limit and Roof Pitch.
  - (a) The height limit permitted for structures in cottage housing developments shall be 18 feet.
  - (b) The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
- (6) Lot Coverage and Floor Area.
  - (a) The maximum lot coverage permitted for buildings in cottage housing developments shall not exceed 40 percent and the maximum total lot coverage shall not exceed 60 percent.
  - (b) The maximum main floor area is 800 square feet.
  - (c) The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
  - (d) Attached garages shall be included in the calculation of total floor area.
  - (e) Areas that do not count as total floor area are:
    - (i) Unheated storage space located under the main floor of the cottage.



- (ii) Attached roofed porches.
  - (iii) Detached garages or carports.
  - (iv) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
- (f) The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.
- (7) Yards.
  - (a) Front Yards. The front yard for cottage housing developments shall be 10 feet.
  - (b) Rear Yards. The minimum rear yard for a cottage housing development shall be 10 feet. If abutting an alley the rear yard setback may be reduced to five feet.
  - (c) Side Yards. The minimum required side yard for a cottage housing development shall be five feet. When there is a principal entrance along a side facade, the side yard shall be no less than 10 feet along that side for the length of the pedestrian route. This 10-foot side yard shall apply only to a height of eight feet above the access route.
  - (d) Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be 10 feet.
- (8) Required Open Space.
  - (a) Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
    - (i) A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
    - (ii) A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
  - (b) Critical areas and buffers shall not be counted as open space.
  - (c) Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
- (9) Development Standards. Cottages shall be oriented around and have their main entry from the common open space.
  - (a) Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
  - (b) Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
  - (c) The minimum horizontal dimension for common open space shall be 10 feet.
  - (d) Each cottage unit shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six feet on any side.
  - (e) Secondary entrances facing a street or sidewalk shall have a five-by-five foot porch.
  - (f) Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.
  - (g) Variety in Building Design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.
  - (h) Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
- (10) Parking shall be:
  - (a) Located on the cottage housing development property.
  - (b) Located in clusters of not more than five adjoining spaces.
  - (c) Screened from public streets and adjacent residential uses by landscaping or architectural screening.
  - (d) Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
  - (e) Off-street parking requirements are as follows:

- (i) Units under 700 square feet: one space per unit;
- (ii) Units between 700 and 1,000 square feet: 1.5 spaces per unit; and
- (iii) Units over 1,000 square feet: two spaces per unit.

At least one parking stall per dwelling will be enclosed or covered.

(f) Access to parking shall be from the alley when property abuts a platted alley improved to the city's engineering design and development standards or when the director determines that alley access is feasible and desirable to mitigate parking access impacts.

(g) Not located in the front yard.

(11) Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

(a) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.

(b) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

(c) The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

(12) Screening Requirements.

(a) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

(b) Common waste and other storage receptacles shall not be placed in the front yard setback area.

(c) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

(13) Requests for Modifications to Standards. The community development director may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:

(a) The site is constrained due to unusual shape, topography, easements or sensitive areas.

(b) The modification is consistent with the objectives of this chapter.

(c) The modification will not result in a development that is less compatible with neighboring land uses.

## **22C.010.290**

### **Site and building design standards.**

(1) Applicability.

(a) Prior to submitting a building permit application, all development to which these standards apply shall be required to submit a site plan addressing the standards in this section for administrative review and approval by the community development director.

(b) The site and building design standards of this section apply to institutional, commercial and multiple-family developments, whereas only [subsections \(2\) and \(3\)](#) of this section apply to single-family and condominium developments.

(c) The crime prevention through environmental design (CPTED) provisions of this section apply to all new commercial developments of over 12,000 square feet in building area, multifamily development of 10 or more units, and planned residential developments.

(2) Relationship of Building(s) to Site and Street Front.

(a) The site shall be planned to create an attractive street edge and accommodate pedestrian access. Examples of ways that a development meets the requirements of this provision are to:

- (i) Define the street edge with buildings, landscaping or other features.
- (ii) Provide for building entrances that are visible from the street.
- (iii) Provide for a sidewalk at least five feet wide if there is not space in the public

ROW.

(iv) Provide building entries that are accessed from the sidewalk: Preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.

(v) Provide for businesses that require outdoor display oriented to the street, such as nurseries and auto sales, to have such display be raised and clearly marked.

(b) The development shall create a well-defined streetscape to allow for the safe movement of pedestrians. Whenever possible, building setbacks shall be minimized and parking and drive-through passageways shall be relegated to the side and rear of buildings.

(c) The development shall provide site development features that are visible and pedestrian-accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and access lighting.

(3) Relationship of Building(s) and Site to Adjoining Area.

(a) Where adjacent buildings and neighborhoods are consistent with the comprehensive plan and desired community character, new buildings and structures should consider the visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian/vehicular facilities and spacing from adjoining buildings.

(b) Harmony in texture, lines and masses is encouraged.

(c) Attractive landscape transition to adjoining properties shall be provided.

(d) Public and quasi-public buildings and structures shall be consistent with the established neighborhood character.

(4) Landscape and Site Treatment.

(a) Parking lot screening and interior landscaping shall be provided consistent with [Chapter 22C.130 MMC](#). The following criteria shall guide review of plans and administration of the landscaping standards in the zoning code:

(i) The landscape plan shall demonstrate visual relief from large expanses of parking areas.

(ii) The landscape plan shall provide some physical separation between vehicular and pedestrian traffic.

(iii) The landscape plan shall provide decorative landscaping as a focal setting for signs, special site elements, and/or pedestrian areas.

(iv) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

(v) Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.

(vi) Screening of outdoor service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, planting, berms or combinations of these.

(vii) Landscaping should be designed to create definition between public and private spaces.

(viii) Where feasible, the landscape plan shall coordinate the selection of plant material to provide a succession of blooms, seasonal color, and a variety of textures.

(ix) The landscape plan shall provide a transition in landscaping design between adjacent sites, within a site, and from native vegetation areas in order to achieve greater continuity.

(x) The landscape plan shall use plantings to highlight significant site features and to define the function of the site, including parking, circulation, entries, and open spaces.

(xi) Where feasible, the landscape plan shall integrate natural approaches to storm water management, including featured low impact development techniques.

(b) Street Landscaping. Where the site plan includes streetscape plantings, the following guidelines apply:

(i) Sidewalks and pathways should be separated from the roadway by planting strips with street trees wherever possible.

(ii) Planting strips should generally be at least five feet in width. They should include evergreen shrubs no more than four feet in height and/or ground cover in accordance with the city of Marysville landscape standards ([Chapter 22C.130 MMC](#)) and the Marysville Administrative Landscaping Guidelines.

(iii) Street trees placed in tree grates may be more desirable than planting strips in key pedestrian areas.

(iv) Use of trees and other plantings with special qualities (e.g., spring flowers and/or good fall color) are strongly encouraged to unify development.

(c) Plaza/Pedestrian Area Landscaping within Shopping Centers and Mixed Use Site Plans.

(i) A range of landscape materials – trees, evergreen shrubs, ground covers, and seasonal flowers – shall be provided for color and visual interest.

(ii) Planters or large pots with small shrubs and seasonal flowers may be used to create protected areas within the plaza for sitting and people watching.

(iii) Creative use of plant materials, such as climbing vines or trellises, and use of sculpture groupings or similar treatments are encouraged.

(iv) All landscaping plans shall be submitted during site plan review for approval.

(d) Exterior lighting, when used, shall be part of the architectural concept. Lighting shall enhance the building design and adjoining landscaping. It should provide adequate lighting to ensure safety and security; enhance and encourage evening activities; and when warranted by the adjoining streetscape theme, provide a distinctive character to the area. In addition, the following shall be addressed:

(i) The site plan shall identify lighting equipment and standards. Uplighting on trees and provisions for seasonal lighting are encouraged.

(ii) Accent lighting on architectural and landscape features is encouraged to add interest and focal points.

(iii) Parking area lighting shall not exceed 25 feet in height and shall be shielded to minimize glare and spillage into the surrounding community.

(5) Building Scale Standards. All elements of building design should form an integrated development, harmonious in scale, line, and mass to ensure that buildings are based on human scale (i.e., the relationship of the size of the building's features to the people that use the building). Design elements should also ensure that large buildings reduce their apparent mass and bulk on elevations visible from streets or pedestrian routes through such methods as facade modulation and architectural detailing, roof treatment, colors, materials, and other special features.

(a) Integration. Large buildings should integrate features along their facades visible from the public right-of-way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.

(b) Facade Modulation. Building facades visible from public streets and public spaces should be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation should be one foot, and the minimum width should be five feet.

(c) Articulation. Buildings should be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include color, arrangement of facade elements, or change in building materials.

(i) Tripartite Articulation. Buildings should provide tripartite building articulation (building top, middle, and base) to provide pedestrian-scale and architectural interest.

(d) Window Treatments. Buildings should provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, awnings, etc., as well as applying complementary articulation around doorways and balconies.

(e) Architectural Elements. The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, by windows, dormers, and/or columns.

(f) Rooflines. A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

(i) Rooflines with alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval are encouraged.

(ii) Roofs that incorporate a variety of vertical dimensions such as multi-planed and intersecting rooflines are encouraged.

(iii) Flat-roofed designs should include architectural details such as cornices and decorative facings to provide interest to the roofline.

(g) When there is a change in the building plane, a change in the building materials, colors or patterns should also be considered.

(h) Landscaping. The landscape plan should provide a trellis, tree or other landscape feature within each interval.

(i) Upper Story Setback. Setting back upper stories helps to reduce the apparent bulk of a building and promotes human scale.

(j) Small-Scale Additions. In retail areas, small-scale additions to a structure can reduce the apparent bulk by articulating the overall form. Clustering smaller uses and activities around

entrances on street-facing facades also allows for small retail or display spaces that are inviting and add activity to the streetscape.

(6) Building Details, Materials, and Colors.

(a) The building should provide visual interest, distinct design qualities, and promote compatibility and improvement within surrounding neighborhoods and community development through effective architectural detailing and the use of traditional building techniques and materials.

(b) Design Criteria.

(i) Building materials and building techniques should be of high durability and high quality. For commercial and residential uses, the use of brick is encouraged on walls or as accents on walls. Large areas of rough-cut wood, wide rough-cut lap siding, or large areas of T-111, plywood, or similar materials are prohibited. Vinyl siding is prohibited on the ground floor of commercial buildings.

(ii) Buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:

(A) Ornate rooflines, including use of ornamental molding, entablature, frieze, or other roofline devices.

(B) Overhead weather protection along sidewalks.

(C) Detailed treatment of windows and doors, including use of decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window treatment should be sized as follows:

1. Windows should not have individual glass panes with dimensions greater than five feet by seven feet.

2. Windows should be surrounded by trim, molding and/or sill at least four inches wide. Commercial buildings with no trim or molding should have window frames at least two inches wide.

3. Individual window units should be separated from adjacent window units by at least six inches of the building's exterior finish material.

(7) Public or Private Open Space. Where feasible and appropriate, larger (over 10 acres) commercial and residential developments should incorporate open spaces into the site design to provide community gathering space and neighborhood meeting areas. These areas should provide outdoor spaces for relaxing, eating, socializing, and recreating. The following standards apply to these outdoor areas:

(a) Plazas and Gathering Places.

(i) Areas should be sized between 5,000 and 10,000 square feet.

(ii) Plazas and gathering places should be able to serve as a center for daily activities.

(iii) Paving should be unit-pavers or concrete with special texture, pattern, and/or decorative features.

(iv) Pedestrian amenities should be provided, including features such as seating, plants, drinking fountains, artwork, and such focal points as sculptures or water features.

(v) Lighting fixtures should be approximately 10 to 15 feet above the surface. The overall lighting in the plaza should average at least two foot-candles.

(b) Open Spaces and Project Details. The listed literature resources in [MMC 22C.010.260 \(2\)\(a\)](#) provide smaller scale concepts for integrating public gathering places and open spaces into the project design.

(8) Site Design Utilizing Crime Prevention Thorough Environmental Design (CPTED) Principles. Development that is subject to this section shall incorporate the following CPTED strategies into building design and site layout:

(a) Access Control. Guidance of people coming and going from a building or site by placement of real and perceived barriers. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas that are not readily observable.

(b) Surveillance. Placement of features, uses, activities, and people to maximize visibility. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them.

(c) Territoriality/Ownership. Delineation of private space from semi-public and public spaces that creates a sense of ownership. Techniques that reduce the perception of areas as "ownerless" and, therefore, available for undesirable uses.

Examples of ways in which a proposal can comply with CPTED principles are outlined in the "CPTED Guidelines for Project Design and Review," prepared by the city.

**22C.010.300 Commercial, multiple-family, townhome, and group residences – Vehicular access and parking location.**

- (1) On sites abutting an alley, commercial, apartment, townhome and all group residences developments shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the planning director due to physical site limitations.
- (2) When alley access is available, and provides adequate access for the site, its use will be encouraged.
- (3) When common parking facilities for attached dwellings and group residences exceed 30 spaces, no more than 50 percent of the required parking shall be permitted between the street property line and any building, except when authorized by the planning director due to physical site limitations.
- (4) Direct parking space access to an alley may be used for parking lots with five or fewer spaces.

**22C.010.310 Small lot single-family dwelling development standards.**

The provisions of this section apply to building permits for single-family dwellings on lots having an area less than 5,000 square feet and single-family dwellings when multiple single-family dwellings are on a single lot, excluding accessory dwelling units; review will be done through the building permit process.

- (1) It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are to be constructed. The director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.
- (2) **Entry.** Where lots front on a public street, the house shall have doors and windows which face the street. Houses should have a distinct entry feature such as a porch or weather-covered entryway with minimum dimensions of six feet by six feet; if the lot is less than 5,000 square feet, the entry feature area shall be at least 60 square feet with no dimension less than six feet. The director may approve a street orientation or entryway with dimensions different than specified herein; provided, the entry visually articulates the front facade of the dwelling so as to create a distinct entryway, meets setback requirements, provides weather cover, has a minimum dimension of four feet, and is attached to the home.
- (3) **Alleys.**
  - (a) If the lot abuts an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. No curb cuts shall be permitted unless access from the alley is precluded by steep topography.
  - (b) The minimum driveway length may be reduced to between six and zero feet for garages when the following conditions are met:
    - (i) An alley is provided for access;
    - (ii) At least one off-street parking space, in addition to any provided in the garage, is provided to serve that dwelling unit and the stall(s) is conveniently located for that particular dwelling; and
    - (iii) The applicable total parking stall requirement is met.
  - (c) The rear yard setback may be reduced to zero feet to accommodate the garage.
  - (d) If the garage does not extend to the property line or alley, the dwelling unit above the garage may be extended to the property line or alley.
  - (e) Dwellings with a wall facing an alley must provide at least one window facing the alley to allow observation of the alley.
- (4) **Auto Courts.**
  - (a) Auto courts are only allowed in a PRD.
  - (b) Auto courts provide ingress and egress to a cluster of no more than six dwellings and access from a nonarterial street. Auto court design must be consistent with the city's design guidelines for auto courts.
  - (c) Auto courts shall be no less than 20 feet in width; provided, that if emergency services access is required, the driving surface dimensions will comply with emergency vehicle access requirements.

(d) Auto courts shall be no greater than 150 feet in length, unless acceptable emergency vehicle turnaround is provided and designed so vehicles will not back onto public streets.

(e) Driveway length may be reduced to between three feet and six feet for garages when at least two parking spaces are provided for the unit in addition to the garage. The additional parking must be conveniently located to the dwelling.

(5) **Facade and Driveway Cuts.** If there is no alley access and the lot fronts on a public or private street, living space equal to at least 50 percent of the garage facade shall be flush with or projected forward of the garage, and the dwelling shall have entry, window and/or roofline design treatment which emphasizes the house more than the garage. Where materials and/or methods such as modulation, articulation, or other architectural elements such as porches, dormers, gables, or varied roofline heights are utilized, the director or designee may waive or reduce the 50 percent standard. Driveway cuts shall be no more than 80 percent of the lot frontage; provided, that the director or designee may waive the 80 percent maximum if materials and/or methods to de-emphasize the driveway, such as ribbon driveways, grasscrete surface, or accent paving are utilized.

(6) **Privacy.** Dwellings built on lots without direct frontage on the public street should be situated to respect the privacy of abutting homes and to create usable yard space for the dwelling(s). The review authority shall have the discretion to establish setback requirements that are different than may otherwise be required in order to accomplish these objectives.

(7) **Individual Identity.** Home individuality will be achieved by the following:

(a) Avoiding the appearance of a long row of homes by means such as angling houses, varied street setbacks, and varied architectural design features.

(b) Each dwelling unit shall have horizontal or vertical variation within each unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity and individual identity to each unit. Upon building permit application, a plot plan of the entire structure shall be provided by the builder to show compliance with this requirement. The director or designee shall review and approve or deny the building design, which may incorporate variations in roof lines, setbacks between adjacent buildings, and other structural variations.

(c) The same building plans cannot be utilized on consecutive lots. "Flip-flopping" of plans is not permitted; provided, that upon demonstration to the director that the alteration of building facades would provide comparable visual diversity and individual identity to the dwelling units as different building plans, this provision shall not apply. Materials and/or methods which may be utilized to achieve visual diversity include, but are not limited to, use of differing siding material, building modulations and roofline variations.

(8) **Landscaping.** Landscaping of a size and type consistent with the development will be provided to enhance the streetscape. Landscaping will enhance privacy for dwellings on abutting lots and provide separation and buffering on easement access drives.

(9) **Duplexes.** Duplexes must be designed to architecturally blend with the surrounding single-family dwellings and not be readily discernible as a duplex but appear to be a single-family dwelling.

#### 22C.010.320

#### On-site recreation – Space required.

(1) Except when fees in lieu of commonly owned recreation space are provided pursuant to [MMC 22C.010.330](#) through [22C.010.360](#), multiple-family developments in the R-12-28, P/I, or mixed use zones shall provide outdoor or active recreation space, or a combination thereof, in accordance with the following chart:

Type of dwelling unit	Outdoor open space	Active recreation facility
(a) Studio and one bedroom	90 square feet per unit	45 square feet per unit
(b) Two bedroom	130 square feet per unit	65 square feet per unit
(c) Three or more bedroom	170 square feet per unit	85 square feet per unit

(2) Any recreation space located outdoors shall:

- (a) Be of a grade and surface suitable for recreation;
- (b) Be on the site of the proposed development;
- (c) Be one continuous parcel if less than 3,000 square feet in size, not to be located in the front yard setback;
- (d) Have no dimensions less than 30 feet (except trail segments);



(e) In an apartment or townhome development, have a street roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments); and

(f) Be centrally located and accessible and convenient to all residents within the development.

(3) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.

(4) Active recreation facilities may include, but are not limited to, exercise rooms, sport courts, swimming pools, tennis courts, game rooms, or community centers. Outdoor open space shall not include areas devoted to parking or vehicular access, and should be one continuous tract.

**22C.010.330 On-site recreation – Play areas required.**

(1) All apartment, and townhome development, excluding senior citizen apartments, shall provide tot/children play areas within the recreation space on-site, except when facilities are available within 1/4 mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.

(2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

- (a) At least 400 square feet in size with no dimension less than 20 feet;
- (b) Adjacent to main pedestrian paths or near building entrances; and
- (c) Provides visual access from adjacent residential structures.

**22C.010.340 On-site recreation – Maintenance of recreation space or dedication.**

(1) Unless the recreation space is dedicated to the city pursuant to subsection (2) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city.

(2) Recreation space may be dedicated as a public park when the following criteria are met:

- (a) The dedicated area is at least 1.5 acres in size, except when adjacent to an existing or planned public park;
- (b) The dedicated land provides one or more of the following:
  - (i) Shoreline access,
  - (ii) Regional trail linkages,
  - (iii) Habitat linkages,
  - (iv) Recreation facilities, or
  - (v) Heritage sites;
- (c) The entire dedicated area is located less than one mile from the project site.

**22C.010.350 On-site recreation – Fee in-lieu of recreation space.**

Nothing herein shall prohibit voluntary agreements with the city that allow a payment in lieu of providing on-site open space or recreation when a proposed development is located within 1,000 feet of an existing or proposed recreational facility.

**22C.010.360 On-site recreation – Acceptance criteria for fee in-lieu of recreation space.**

City of Marysville acceptance of this payment is discretionary, and may be permitted if:

- (1) The proposed on-site recreation space does not meet the criteria of [MMC 22C.010.340\(2\)](#); or
- (2) The recreation space provided within a public park in the vicinity will be of greater benefit to the prospective residents of the development.

**22C.010.370 Storage space and collection points for recyclables.**

Developments shall provide storage space for the collection of recyclables as follows:

- (1) The storage space shall be provided at the rate of:
  - (a) One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a public agency-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;



(b) Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;

(2) The storage space for residential developments shall be apportioned and located in collection points as follows:

(a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

(b) There shall be one collection point for every 30 dwelling units.

(c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

(d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

(e) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

(3) The storage space for nonresidential development shall be apportioned and located in collection points as follows:

(a) Storage space may be allocated to a centralized collection point.

(b) Outdoor collection points shall not be located in any required setback areas.

(c) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

(d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.

(4) The collection points shall be designed as follows:

(a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

(b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

(c) Collection points shall be identified by signs not exceeding two square feet.

(d) A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.

(e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

(f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

(5) Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

## **22C.010.380**

### **Fences**

(1) Purpose.

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

(2) Types of fences.

(a) The standards apply to walls, fences, trellises, arbors and screens of all types whether open, solid, wood, metal, wire, masonry or other material.

(b) No barbed or razor-wire fence shall be permitted, except for the following:

(i) Confinement of livestock.

(ii) Public facilities, transmitter and transformer sites.

(iii) Government installations where security or public safety is required.

(3) Height.

(a) Access Streets..

- (i) Front lot line: Four (4) feet solid or six (6) feet if entirely open-work fence.
  - (ii) Side lot line: Six (6) feet.
  - (iii) Rear lot line: Six (6) feet.
- (b) Arterial Streets.
  - (i) Front lot line: Six (6) feet; provided, that the top two (2) feet are constructed as an open-work fence.
  - (ii) Side lot line: Six (6) feet.
  - (iii) Rear lot line: Six (6) feet.
- (c) When a protective fence is located on top of a rockery, any portion of the fence above a height of six (6) feet shall be an open-work fence.
- (d) Open wire mesh or similar type fences may be erected in excess of the maximum heights permitted in this code on the periphery of playgrounds associated with private and public schools and parks, public facilities, transmitter and transformer sites, and government installations where security or public safety is required.
- (e) The height of a fence or freestanding wall, retaining wall or combination of the same, shall be measured from its top surface, board, rail, or wire to the natural elevation of the ground on which it stands.
- (f) Where the finished grade is a different elevation on either side of a fence, the height may be measured from the side having the highest elevation.
- (g) Administrative Variance.
 

The Community Development Director shall have authority to administratively grant a variance to increase the maximum height of side and rear lot line fences to eight (8) feet. The Community Development Director is authorized to issue variances in cases of special hardships, unique circumstances and practical difficulties. No variance shall be granted which would be detrimental to the public health, welfare or environment. Each variance shall be considered on a case-by-case basis, and shall not be construed as setting precedent for any subsequent application. The decision of the Community Development Director on a variance application shall be final, subject to appeal to the city hearing examiner, pursuant to the procedures in [Chapter 22G.010 MMC Article VIII - Appeals](#). Appeals shall be filed within 14 days of the written decision of the Community Development Director. The following information will be considered in review of the variance request:

  - (i) The fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks.
  - (ii) The applicant can demonstrate to the satisfaction of the Community Development Director, or designee, that the increased fence height will not adversely affect adjacent property owners or obstruct view corridors.
  - (iii) The applicant provides written notification to immediately adjoining property owners of the height and location of the proposed fence.
  - (iv) Fences greater than six (6) feet in height are required to obtain a city building permit.
- (4) Setbacks.
  - (a) Front lot line.
    - (i) Solid fences greater than four (4) feet in height, shall be set back at least twenty (20) feet from the street right-of-way, except in the following circumstances:
      - (A) For a corner lot the twenty (20) foot setback shall only apply to the street which provides primary access to the lot.
      - (B) This setback requirement may be waived or modified by the city engineer or his designee if a fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks.
    - (ii) A four (4) foot fence, or six (6) foot fence with the top two (2) feet constructed as an open-work fence, may be constructed on the front property line, provided the fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks.
  - (b) Side lot line.
 

No setback requirement.
  - (c) Rear lot line.
 

No setback requirement
  - (d) For special rules relating to fences and walls near fire hydrants, see [MMC 14.03.050\(2\)](#) and the [International Fire Code](#).

(5) **Fence variances.**

In considering a request for a modification of the fence requirements outlined in [subsection \(1\) through \(4\) of this section](#), the hearing examiner shall consider the following factors:

(a) If the proposed fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks;

(b) The proposed fence will not infringe upon or interfere with utility and/or access easements or covenant rights or responsibilities;

(c) Other information which is relevant and necessary to make a determination as to the validity of the request for variation. Such additional information may include site plans, elevation drawings, and information concerning the surrounding properties and uses.

**22C.010.390 Special limitations in the R-12-28 zones.**

Where a single lot or a combination of lots under single ownership is developed with more than one multiple-family residential building, such property shall not be subsequently subdivided except when each division thereof complies with all requirements of applicable city codes and ordinances.

**22C.010.400 Duplex performance and design standards.**

All new duplexes located within any residential zone shall meet the following standards and regulations:

(1) **Bulk and Setback Variation.** Each duplex structure shall have horizontal or vertical variation within each dwelling unit's front building face and between the front building faces of all adjacent units/structures to provide visual diversity to the duplex structures and individual identity to duplex units. Upon building permit or conditional use permit (if required) application, a plot plan of the entire structure in which each unit is located shall be provided by the builder to show compliance with this requirement. The planning director shall review and approve or deny the building design which may incorporate variations in roof lines, setbacks between adjacent buildings or lots, and other structural variations. Where the applicant and the community development director are not able to reach agreement on the provisions of the final building design, the dispute shall be submitted to the hearing examiner in accordance with the procedures established in [Chapter 22G.010 MMC](#), Land Use Application Procedures.

(2) **Building Plans.** The same building plan cannot be utilized on consecutive lots. "Flip-flopping" of plans is not permitted; provided, that upon demonstration to the planning director that the alteration of building facades would provide comparable visual diversity and individual identity to the duplexes as different building plans, this provision shall not apply. Materials and/or methods which may be utilized to achieve visual diversity include, but are not limited to use of differing siding material, building modulations and roofline variations.

(3) **Landscaping.** At the time of application for a building permit or conditional use permit (if required), the developer shall submit landscaping plans for, at a minimum all front and side setbacks and common open space areas associated with the building for which permit application is made. Landscaping shall consist of two native trees per unit, planted in the front yard, which are at least one and one-half inch in caliper for deciduous or six feet in height for evergreen trees, plus a mixture of trees, shrubs and groundcover as appropriate to the site. All required landscaping shall be installed in accordance with the plans prior to issuance of an occupancy permit. Where applicable, street frontage landscaping shall comply with the city's streetscape plan.

(4) **Orientation.** Building orientation should be utilized as a method to provide visual diversity and individual identity to the duplex structures; provided, that where physical or economic considerations make such orientation impractical, this provision shall not apply.

**22C.010.410 Nonconforming Situations**

Existing developments that do not conform to the development standards of this chapter are subject to the standards of [Chapter 22C.100 MMC](#), Nonconforming Situations.

**22C.010.420 Parking and Loading**

The standards pertaining to the required number of auto parking spaces, bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in [Chapter 22C.130 MMC](#), Parking and Loading.

**22C.010.430**

**Signs**

The sign standards are stated in [Chapter 22C.160 MMC](#), Signs.

**22C.010.440**

**Landscaping and Screening**

The landscaping and screening standards are stated in [Chapter 22C.120 MMC](#), Landscaping and Screening.

**22C.010.450**

**Planned Residential Developments**

See [Chapter 22G.080 MMC](#), Planned Residential Developments.

**Chapter 22C.020****COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES****Sections:**

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**22C.020.010****Purpose**

The commercial, industrial, recreation and public institutional zone categories implement the commercial, industrial and recreational goals and policies and land use plan map designation of the comprehensive plan. The zones are for areas of the City designated by the comprehensive plan for commercial, industrial and recreational uses. The difference in the zoning categories reflects the diversity of commercial, industrial and recreation areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. A wide range of uses is allowed in each zone.

Limits on the intensity of uses and the development standards promote the desired character for the commercial, industrial or recreational area. The development standards are designed to allow a large degree of development flexibility within parameters that support the intent of the specific zone. The standards are intended to provide certainty to property owners, developers and neighbors about the limits of what is allowed in the various zoning categories.

#### **22C.020.020 List of the Commercial, Industrial, Recreation and Public Institutional Zones**

The full names, short names and map symbols of the single-family and higher density residential zones are listed below.

<b>Full Name</b>	<b>Short Name/Map Symbol</b>
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
Downtown Commercial	DC
Mixed Use	MU
Light Industrial	LI
General Industrial	GI
Business Park	BP
Recreation	REC
Public/Institutional Zone	P/I
Whiskey Ridge	WR (suffix to zone's map symbol)
Small Farms Overlay	SF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

#### **22C.020.030 Characteristics of Commercial, Industrial, Recreation and Public Institutional Zones**

##### **(1) Neighborhood business zone.**

(a) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

- (i) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;
- (ii) Allowing for a mix of housing and retail/service uses; and
- (iii) Excluding industrial and community/regional business-scaled uses.

(b) Use of this zone is appropriate in neighborhood centers designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

##### **(2) Community business zone.**

(a) The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:

- (i) Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
- (ii) Allowing for a mix of housing and retail/service uses; and
- (iii) Excluding commercial uses with extensive outdoor storage or fabrication and industrial uses.

(b) Use of this zone is appropriate in community commercial areas that are designated by the comprehensive plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(3) **General commercial zone.**

(a) The purpose of the general commercial zone (GC) is to provide for the broadest mix of commercial, wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment. These purposes are accomplished by:

(i) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in CB zoned areas;

(ii) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and

(iii) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.

(b) Use of this zone is appropriate in general commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(4) **Downtown commercial zone.**

(a) The purpose of the downtown commercial zone (DC) is to provide for the broadest mix of comparison retail, service and recreation/cultural uses with higher density residential uses, serving regional market areas and offering significant employment. These purposes are accomplished by:

(i) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in GC zoned areas;

(ii) Allowing for regional shopping areas, and limited fabrication uses; and

(iii) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.

Use of this zone is appropriate in downtown commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(5) **Mixed use zone.**

(a) The purpose of the mixed use zone (MU) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:

(i) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;

(ii) Providing for higher building heights and floor area ratios than those found in the CB zone;

(iii) Reducing the ratio of required parking to building floor area;

(iv) Allowing for on-site convenient daily retail and personal services for employees and residents; and

(v) Minimizing auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.

(b) Use of this zone is appropriate in areas designated by the comprehensive plan for mixed use, or mixed use overlay, which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(6) **Light industrial zone.**

(a) The purpose of the light industrial zone (LI) is to provide for the location and grouping of non-nuisance-generating industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and limited retail uses. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

(i) Allowing for a wide range of industrial and manufacturing uses;

(ii) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and

(iii) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(b) Use of this zone is appropriate in light industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(7) **General industrial zone.**

(a) The purpose of the general industrial zone (GI) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking and equipment but also for commercial uses having special impacts and regulated by other chapters of this title. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:

- (i) Allowing for a wide range of industrial and manufacturing uses;
- (ii) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
- (iii) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.

(b) Use of this zone is appropriate in general industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(8) **Business park zone.**

(a) The purpose of the business park zone (BP) is to provide for those business/industrial uses of a professional office, wholesale, and manufacturing nature which are capable of being constructed, maintained and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the development code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses.

(b) Use of this zone is appropriate in business park areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(9) **Recreation zone.**

(a) The purpose of the recreation zone (REC) is to establish areas appropriate for public and private recreational uses. Recreation would permit passive as well as active recreational uses such as sports fields, ball courts, golf courses, and waterfront recreation, but not hunting. This zone would also permit some resource land uses related to agriculture and fish and wildlife management.

(b) This recreation zone is applied to all land designated as "Recreation" on the comprehensive plan map.

(10) **Public/institutional zone.**

(a) The purpose of the public/institutional (P/I) land use zone is to establish a zone for governmental buildings, churches and public facilities.

(b) This public/institutional zone is applied to all land designated as "public/institutional" on the comprehensive plan map.

(11) **Small farms overlay zone.**

(a) The purpose of the small farms overlay zone (-SF suffix to zone's map symbol) is to provide a process for registering small farms, thereby applying the small farms overlaying zone and recording official recognition of the existence of the small farm, and to provide encouragement, for the preservation of such farms, as well as encouraging good neighbor relations between single-family and adjacent development.

(b) Use of this zone is appropriate for existing and newly designated small farms.

## **22C.020.040 Additional Zoning Standards**

The standards in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, sub-area or master plans are subject to additional standards. The official zoning maps indicate which sites are subject to these additional standards.

## **22C.020.050 Commercial, Industrial, Recreation and Public Institutional Zones Primary Uses**

(1) **Permitted Uses (P).**

Uses permitted in the Commercial, Industrial, Recreation and Public Institutional zones are listed in [MMC 22C.020.060](#) with a "P." These uses are allowed if they comply with the development



standards and other standards of this chapter.

(2) **Conditional Uses (C).**

Uses that are allowed if approved through the conditional use review process are listed in [MMC 22C.020.060](#) with a "C." These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards and other standards of this chapter. Uses listed with a "C" that also have a footnote number in the table are subject to the standards cited in the footnote. The conditional use review process and approval criteria are stated in [Chapter 22G.010 MMC](#).

(3) **Uses Not Permitted.**

If no symbol appears in the box at the intersection of the column and the row, the use is not permitted in that district, except for certain temporary uses.

(4) If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number are listed in [MMC 22C.020.070](#).

(5) If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitation or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number are listed in [MMC 22C.020.070](#).

(6) All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

**22C.020.060**

**Permitted Uses.**

<b>Residential land uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
<b>Dwelling Units, Types:</b>										
Townhouse				P6	P					
Multiple-family	C4	P4, C5	P4, C5	P4, P6	P					
Mobile home	P7	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P				C					P
Caretaker's quarters (3)		P	P	P		P	P	P		P
<b>Group Residences:</b>										
Adult family home	P	P	P	P	P					P
Convalescent, nursing, retirement	C	P	P	P	P					P
Residential care facility	P	P	P	P	P					P
Master planned senior community (10)	C	C	C	C	C					C
<b>Accessory Uses:</b>										
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9	P9		
<b>Temporary Lodging:</b>										
Hotel/motel	P	P	P	P	P	P	P			
Bed and breakfast guesthouse (1)										
Bed and breakfast inn (1)	P	P	P							
<b>Recreation/Cultural Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>

<b>Park/Recreation:</b>										
Park	P11	P	P	P	P	P	P	P	P11	P
Marina				P				P	C	P
Dock and boathouse, private, noncommercial				P				P	P16	P
Recreational vehicle park			C12				C12		C	P
Boat launch, commercial or public				P				P		P
Boat launch, noncommercial or private				P				P	P17	P
Community center	P	P	P	P	P	P	P	P	P	P
<b>Amusement/Entertainment:</b>										
Theater		P	P	P	P					
Theater, drive-in			C							
Amusement and recreation services		P18	P18	P18	P19	P	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P			P	P	P	C	
Shooting range (14)			P15			P15	P15			
Outdoor performance center			C				C		C	C
Riding academy						P	P		C	
<b>Cultural:</b>										
Library, museum and art gallery	P	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P				C	P
<b>General Services Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
<b>Personal Services:</b>										
General personal service	P	P	P	P	P	P	P	P		
Dry cleaning plant		P					P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P25		P	P		
Funeral home/crematory		P	P	P	P26	P	P	P		
Cemetery, columbarium or mausoleum	P24	P24	P24 C20			P	P	P		
Day care I	P	P	P		P		P21			
Day care II	P	P	P	P	P	P21	P21			
Veterinary clinic	P	P	P	P	P	P	P	P		
Automotive repair and service	P22	C, P28	P			P	P	P		
Electric Vehicle (EV) Charging Station (64)	P	P	P	P	P	P	P	P	P	P
EV Rapid Charging Station (65), (66)	P	P	P	P(67)	P(67)		P	P		
EV Battery Exchange Station			P				P	P		

Miscellaneous repair		P	P				P	P		
Social services		P	P	P	P					P
Kennel, commercial and exhibitor/breeding		P	P			C	P	P		
Civic, social and fraternal association		P	P	P	C	P		P		P
Club (community, country, yacht, etc.)						P		P		P
<b>Health Services:</b>										
Medical/dental clinic	P	P	P	P	P					P
Hospital		P	P	P	C					C
<b>Education Services:</b>										
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C		P	C		C
Commercial school	P	P		P	P27					C
School district support facility	C	P	P	P	P		P	P		P
Interim recycling facility		P23	P23				P			P
Vocational school		P	P	P	P27					P
<b>Government/Business Service Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
<b>Government Services:</b>										
Public agency office	P	P	P	P	P	P	P	P		P
Public utility yard			P				P			P
Public safety facilities, including police and fire	P29	P	P	P	P		P			P
Utility facility	P	P	P		C	P	P	P		P
Private stormwater management facility	P	P	P	P	P	P	P	P		P
Public stormwater management facility	P	P	P	P	P	P	P	P		P
<b>Business Services:</b>										
Contractors' office and storage yard			P30	P30	P30		P	P		
Taxi stands		P	P							
Trucking and courier service		P31	P31				P	P		
Warehousing and wholesale trade			P			P	P	P		
Mini-storage (36)			P			P	P	P		
Freight and cargo service			P			P	P	P		
Cold storage warehousing							P	P		
General business service and office	P	P	P	P	P30	P	P	P		
Commercial vehicle storage						P	P	P		
Professional office	P	P	P	P	P	P	P			

Miscellaneous equipment rental		P30, 37	C38		P30, 37		P	P		
Automotive rental and leasing			P				P			
Automotive parking	P	P	P	P	P	P	P	P		
Research, development and testing			P			P	P	P		
Heavy equipment and truck repair							P	P		
Automobile holding yard			C				P	P		
Commercial/industrial accessory uses	P39, 40	P39	P39	P39, 40	P39, 40	P	P	P		
Adult facility								P33		
Factory-built commercial building (35)	P	P	P	P		P	P	P		
Wireless communication facility (32)	P, C	P, C	P, C	P, C	P, C	P, C	P, C	P, C		P, C
<b>Retail/Wholesale Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Building, hardware and garden materials	P47	P	P	P	P47		P	P		
Forest products sales		P	P				P			
Department and variety stores	P	P	P	P	P		P			
Food stores	P	P	P	P	P45		P			
Agricultural crop sales		P	P		C		P			
Storage/retail sales, livestock feed							P	P		
Motor vehicle and boat dealers		P	P				P	P		
Motorcycle dealers		C	P	P49			P	P		
Gasoline service stations	P	P	P	P			P	P		
Eating and drinking places	P41	P	P	P	P46	P	P	P		
Drug stores	P	P	P	P	P		P	P		
Liquor stores		P	P							
Used goods: antiques/secondhand shops		P	P	P	P					
Sporting goods and related stores		P	P	P	P					
Book, stationery, video and art supply stores	P	P	P	P	P					
Jewelry stores		P	P	P	P					
Hobby, toy, game shops	P	P	P	P	P					
Photographic and electronic shops	P	P	P	P	P					
Fabric and craft shops	P	P	P	P	P					
Fuel dealers			P43			P43	P43	P43		
Florist shops	P	P	P	P	P					
Pet shops	P	P	P	P	P					

Tire stores		P	P	P			P	P		
Bulk retail		P	P				P			
Auction houses			P42				P			
Truck and heavy equipment dealers							P	P		
Mobile home and RV dealers			C				P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P48	P44	P44	P44		
Automobile wrecking yards							C	P		
<b>Manufacturing Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Food and kindred products		P50, 52	P50				P50	P		
Winery/brewery		P53	P	P53	P53		P	P		
Textile mill products							P	P		
Apparel and other textile products			C				P	P		
Wood products, except furniture			P				P	P		
Furniture and fixtures			P				P	P		
Paper and allied products							P	P		
Printing and publishing	P51	P51	P		P51	P	P	P		
Chemicals and allied products							C	C		
Petroleum refining and related industries							C	C		
Rubber and misc. plastics products							P	P		
Leather and leather goods							C	C		
Stone, clay, glass and concrete products							P	P		
Primary metal industries							C	P		
Fabricated metal products			C			P	P	P		
Industrial and commercial machinery							C	P		
Heavy machinery and equipment							C	P		
Computer and office equipment			C				P			
Electronic and other electric equipment			C				P			
Railroad equipment							C	P		
Miscellaneous light manufacturing				P54			P	P		
Motor vehicle and bicycle manufacturing							C	P		
Aircraft, ship and boat building							C	P		
Tire retreading							C	P		

Movie production/distribution			P				P			
<b>Resource Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
<b>Agriculture:</b>										
Growing and harvesting crops						P	P	P	P	
Raising livestock and small animals						P	P	P	P	
Greenhouse or nursery, wholesale and retail			P			P	P	P	C	
Farm product processing							P	P		
<b>Forestry:</b>										
Growing and harvesting forest products							P			
Forest research							P			
Wood waste recycling and storage							C	C		
<b>Fish and wildlife management:</b>										
Hatchery/fish preserve (55)						P	P	P	C	
Aquaculture (55)							P	P	C	
Wildlife shelters	C	C							P	
<b>Mineral:</b>										
Processing of minerals							P	P		
Asphalt paving mixtures and block							P	P		
<b>Regional Land Uses</b>										
<b>Specific Land Use</b>	<b>NB</b>	<b>CB (63)</b>	<b>GC</b>	<b>DC</b>	<b>MU (63)</b>	<b>BP</b>	<b>LI</b>	<b>GI</b>	<b>REC</b>	<b>P/I</b>
Jail		C	C			C	C			
Regional storm water management facility		C	C	C		C	C	C		P
Public agency animal control facility			C				P	P		C
Public agency training facility		C56	C56		C56		C57			C57
Nonhydroelectric generation facility	C	C	C				C	C		C
Energy resource recovery facility							C			
Soil recycling/incineration facility							C	C		
Solid waste recycling								C		C
Transfer station							C	C		C
Wastewater treatment facility						C	C	C		C
Transit bus base			C				P			C
Transit park and pool lot	P	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P	P		C

School bus base	C	C	C				P			C58
Racetrack	C59	C59	C				P			
Fairground						P	P	P		C
Zoo/wildlife exhibit		C	C							C
Stadium/arena			C				C	P		C
College/university	C	P	P	P	P	P	P	P		C
Secure community transition facility								C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62			P62	P62		

**22C.020.070****Permitted Uses – Development Conditions**

- (1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in [Chapter 22C.210 MMC](#), Bed and Breakfasts.
- (2) Home occupations are subject to the requirements and standards contained in [Chapter 22C.190 MMC](#), Home Occupations.
- (3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business.
- (4) All units must be located above a street-level commercial use.
- (5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.
- (6) Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (7) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.
- (8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
- (9) Permitted in a legal nonconforming or conforming residential structure.
- (10) Subject to [Chapter 22C.220 MMC](#), Master Planned Senior Communities.
- (11) The following conditions and limitations shall apply, where appropriate:
  - (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise a conditional use permit is required;
  - (b) Lighting for structures and fields shall be directed away from residential areas; and
  - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (12) Recreational vehicle parks are subject to the requirements and conditions of [Chapter 22C.240 MMC](#).
- (13)
  - (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
  - (b) Restaurants are permitted as an accessory use to a golf course.
- (14)
  - (a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones;
  - (b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets from leaving the property; and
  - (c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts.
- (15) Only in an enclosed building.
- (16)
  - (a) The height of any covered over-water structure shall not exceed 20 feet as measured from the line of ordinary high water;
  - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have not greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No over-water structure shall extend beyond the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling; and

(f) Covered structures are subject to a minimum setback of five feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from water is required for any structure permitted hereunder.

(17)

(a) The city may regulate, among other factors, required launching depth, and length of docks and piers;

(b) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health; and

(c) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.

(18) Excluding racetrack operation.

(19) Amusement and recreation services shall be a permitted use if they are located within an enclosed building, or a conditional use if located outside. In both instances they would be subject to the exclusion of a racetrack operation similar to other commercial zones.

(20) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(21) Permitted as an accessory use; see [MMC 22A.020.020 "accessory use, commercial/ industrial"](#).

(22) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table.

(23) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.

(24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

(26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(27) All instruction must be within an enclosed structure.

(28) Car washes shall be permitted as an accessory use to a gasoline service station.

(29)

(a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.

(31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

(32) All WCFs and modifications to WCFs are subject to [Chapter 22C.250 MMC](#) including but not limited to the siting hierarchy, [MMC 22C.250.060](#). WCFs may be a permitted use or a CUP may be required subject to [MMC 22C.250.040](#).

(33) Subject to the conditions and requirements listed in [Chapter 22C.030 MMC](#).

(35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:

(a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the Uniform Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and

(b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation



shall be structurally engineered to meet the requirements set forth in Chapter 16 of the Uniform Building Code.

(36) Mini-storage facilities are subject to the development standards outlined in [Chapter 22C.170 MMC](#).

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

(39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.

(40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.

(41) Excluding drinking places such as taverns and bars and adult entertainment facilities.

(42) Excluding vehicle and livestock auctions.

(43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.

(a) Limited to 4,000 square feet or less.

(b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

However, interim uses that occupy less than 20 percent of the property on underdeveloped parcels may have more than one lane; provided, that upon further development of the property the interim use is either removed or brought into conformity with the mixed use standards.

(c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit.

(44) The retail sale of products manufactured on site shall be permitted, provided, that not more than 20% of the constructed floor area in any such development may be devoted to such retail use.

(45) Limited to 5,000 square feet or less.

(46)

(a) Limited to 4,000 square feet or less.

(b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

(c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit.

(47) Limited to hardware and garden supply stores.

(48) Limited to convenience retail, such as video, and personal and household items.

(49) Provided there is no outdoor storage and/or display of any materials, products or vehicles.

(50) Except slaughterhouses.

(51) Limited to photocopying and printing services offered to the general public.

(52) Limited to less than 10 employees.

(53) In conjunction with an eating and drinking establishment.

(54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.

(55) May be further subject to the provisions of city of Marysville shoreline management program.

(56) Except weapons armories and outdoor shooting ranges.

(57) Except outdoor shooting ranges.

(58) Only in conjunction with an existing or proposed school.

(59) Except racing of motorized vehicles.

(60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (aka TP# 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.

(61) Opiate substitution treatment program facilities permitted within commercial zones are subject to [Chapter 22G.070 MMC](#), Siting Process for Essential Public Facilities.

(62) Opiate substitution treatment program facilities, as defined in [MMC 22A.020.160](#), are subject to the standards set forth below:

(a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.

(b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.

(c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.

(63) Permitted uses include Whiskey Ridge zones.

(64) Level 1 and Level 2 charging only.

(65) The term "Rapid" is used interchangeably with Level 3 and Fast Charging.

(66) Rapid (Level 3) Charging Stations are required to comply with the design and landscaping standards outlined in [Section 22C.020.270 MMC](#).

(67) Rapid (Level 3) Charging Stations are required to be placed within a parking garage.

### **22C.020.080 Densities and Dimensions.**

#### **(1) Interpretation of tables.**

(a) [MMC 22C.020.080\(2\)](#) contain general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology are set forth in [MMC 22C.020.090](#).

(b) The density and dimension table is arranged in a matrix format and are delineated into the commercial, industrial, recreation and public institutional use categories.

(c) Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote set forth in [MMC 22C.020.090](#).

#### **(2) General Densities and Dimension Standards.**

<b>Standards</b>	<b>NB</b>	<b>CB</b>	<b>GC</b>	<b>DC</b>	<b>MU (12)</b>	<b>LI</b>	<b>GI</b>	<b>BP</b>	<b>REC</b>	<b>P/I</b>	<b>WR- MU (15)</b>	<b>WR- CB (15)</b>
Base density: Dwelling unit/acre	(18)	12	12	12	28 (1)	-	-	-	-	-	12	-
Maximum density: Dwelling unit/acre	-	None (13)	None (13)	None	34 (2)	-	-	-	-	-	18 (13)	-
Minimum street setback (3)	20'	None (7)	None (7)	None (7)	None (7, 8)	None (7)	None (7)	None (7)	20'	None (7, 8)	None (7, 8, 14)	None (7, 14)
Minimum interior setback	10' (side) 20' (rear)	None (4)	None (4)	None (4)	5' (9)	None (4) 50' (5)	None (4) 50' (5)	-	None (4)	None (4)	5' (9, 16, 17)	None (4)
Base height (6)	25'	55'	35'	85'	45', 65' (10)	65'	65'	45'	35'	45'	45'	55'
Maximum Impervious surface: Percentage	75%	85%	85%	85%	85%, 75% (11)	75%	85%	85%	35%	75%	85%, 75% (11)	85%

### **22C.020.090 Densities and Dimensions – Development Conditions.**

(1) These densities are allowed only through the application of mixed use development standards.

(2) These densities may only be achieved in the downtown portion of Planning Area 1 through the application of residential density incentives. [See Chapter 22C.090 MMC](#).

(3) Gas station pump islands shall be placed no closer than 25 feet to street front lines. Pump island canopies shall be placed no closer than 15 feet to street front lines.

(4) A 25-foot setback is required on property lines adjoining residentially designated property.

(5) A 50-foot setback only required on property lines adjoining residentially designated property for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.

(6) Height limits may be increased when portions of the structure building which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit.

(7) Subject to sight distance review at driveways and street intersections.

(8) A 20-foot setback is required for multiple-family structures outside of the downtown portion of Planning Area 1.

- (9) A 15-foot setback is required for (a) commercial or multiple-family structures on property lines adjoining single-family residentially designated property, and (b) a rear yard of a multi-story residential structure otherwise no specific interior setback requirement. Interior setbacks may be reduced where features such as critical area(s) and buffer(s), public/private right-of-way or access easements, or other conditions provide a comparable setback or separation from adjoining uses.
- (10) The 65-foot base height applies only to the downtown portion of Planning Area 1. The 45-foot base height applies to the southeast sector of the downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (11) The 85 percent impervious surface percentage applies to commercial developments, and the 75 percent rate applies to multiple-family developments.
- (12) Reduced building setbacks and height requirements may be approved on a case-by-case basis to provide flexibility for innovative development plans; provided, that variance requests which are greater than 10 percent of the required setback shall be considered by the hearing examiner.
- (13) Subject to the application of the residential density incentive requirements of [Chapter 22C.090 MMC](#).
- (14) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.
- (15) Projects with split zoning (two or more distinct land use zones) may propose a site plan to density average or adjust the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition.
- (16) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.
- (17) Townhome setbacks are reduced to five feet on side yard setbacks provided the buildings meet a 10-foot separation between structures.
- (18) There is no minimum or maximum density for this zone. Residential units are permitted if located above a ground-level commercial use.

**22C.020.100 Measurement methods.**

The following provisions shall be used to determine compliance with this title:

- (1) Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround or in the case of a substandard street, the setbacks shall be measured from the edge of the ultimate right-of-way section planned for the street, except as provided by [MMC 22C.020.180](#);
- (2) Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, five-foot (or less) wide pedestrian walkways or surface water retention/detention facilities.

**22C.020.110 Calculations – Allowable dwelling units.**

Permitted number of dwelling units shall be determined as follows:

- (1) The maximum allowed number of dwelling units shall be computed by multiplying the gross project area (in acres) by the applicable density.
- (2) When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:
- (a) Fractions of 0.50 or above shall be rounded up, provided this will not exceed the base density by more than 10 percent; and
- (b) Fractions below 0.50 shall be rounded down.

**22C.020.120 Calculations – Site area used for density calculations.**

All areas of a commercial site may be used in the calculation of allowed residential density.

**22C.020.130 Lot area – Prohibited reduction.**

Any portion of a lot that was required to calculate and ensure compliance with the standards and regulations of this title shall not be subsequently subdivided or segregated from such lot.

**22C.020.140 Setbacks – Specific building or use.**

When a building or use is required to maintain a specific setback from a property line or other building, such setback shall apply only to the specified building or use.

**22C.020.150 Setbacks – Modifications.**

The following setback modifications are permitted:

- (1) When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line.
- (2) When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.
- (3) When a base station or WCF equipment is proposed for placement on private property abutting ROW, the setback may be administratively reduced, provided the application demonstrates good cause for such reduction and adequate area for screening and landscaping is provided.

**22C.020.160 Setbacks – From regional utility corridors.**

- (1) In commercial and industrial development, easements shall be used to delineate regional utility corridors.
- (2) All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor.

**22C.020.170 Setbacks – From alleys.**

- (1) Structures may be built to five feet of the property line abutting an alley, except as provided in subsection (2) of this section.
- (2) Vehicle access points from garages, carports or fenced parking areas shall be set back a minimum of 10 feet from the lot line abutting an alley, except where the access point faces an alley with a right-of-way width of 10 feet, in which case the garage carport, or fenced parking area shall not be located within 20 feet from the rear lot line. No portion of the garage or the door in motion may cross the property line.

**22C.020.180 Setbacks – Adjoining half-street or designated arterial.**

In addition to providing the standard street setback, a lot adjoining a half-street or designated arterial shall provide an additional width of street setback sufficient to accommodate construction of the planned half-street or arterial.

**22C.020.190 Height – Exceptions to limits.**

The following structures may be erected above the height limits of [MMC 22C.020.080\(2\)](#):

- (1) Roof structures housing or screening elevators, stairways, tanks, ventilating fans or similar equipment required for building operation and maintenance; and
- (2) Fire or parapet walls, skylights, chimneys, smokestacks, church steeples, and utility line towers and poles.

**22C.020.200 Lot divided by zone boundary.**

When a lot is divided by a zone boundary, the following rules shall apply:

- (1) When a lot contains both residential and nonresidential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;
- (2) Uses on each portion of the lot shall only be those permitted in each zone pursuant to [Chapter 22C.010](#) and [22C.020 MMC](#).

**22C.020.210 Sight distance requirements.**

Except for traffic control signs, the following sight distance provisions shall apply to all intersections and site access points:

- (1) A sight distance triangle area per city standards shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 30 inches and eight feet above the existing street grade;

Note: The area of a sight distance triangle between 30 inches and eight feet above the existing street grade shall remain open.

- (2) The community development director or city engineer may require modification or removal of structures or landscaping located in required street setbacks, if:
  - (a) Such improvements prevent adequate sight distance to drivers entering or leaving a driveway; and
  - (b) No reasonable driveway relocation alternative for an adjoining lot is feasible.

**22C.020.220 Building setbacks – Dwellings above ground floor of commercial uses.**

Dwelling units constructed above ground floor commercial uses shall not be required to comply with residential setback requirements; provided, that such dwelling units shall be constructed in compliance with commercial and residential standards of the fire code and the building code.

**22C.020.230 Commercial, Industrial, Recreation and Public Institutional Zones –Purpose**

MMC 22C.020.230 through MMC 22C.020.350 apply to new commercial and multifamily residential development. The purpose of this section is to:

- (1) Encourage the realization and creation of a desirable and aesthetic environment in the city of Marysville;
- (2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;
- (3) Encourage creative approaches to the use of land and related physical developments;
- (4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;
- (5) Allow a mixture of complementary land uses that may include housing, retail, offices, and commercial services, to create economic and social vitality and to encourage the linking of vehicle trips;
- (6) Develop commercial and mixed use areas that are safe, comfortable and attractive to pedestrians;
- (7) Reinforce streets as public places that encourage pedestrian and bicycle travel;
- (8) Reduce opportunities for crimes against persons and property;
- (9) Minimize land use conflicts and adverse impacts;
- (10) Provide roadway and pedestrian connections between residential and commercial areas;
- (11) Provide public places and open space networks to create gateways, gathering places, and recreational opportunities that enhance the natural and built environment;
- (12) Minimize the rate of crime associated with persons and property and provide for the highest standards of public safety through the implementation of crime prevention through environmental design (CPTED) principles in design review.

**22C.020.240 Commercial, Industrial, Recreation and Public Institutional Zones Design Requirements – Applicability and interpretations.**

- (1) Applicability.
  - (a) These design standards apply to all new multifamily structures in any zone, and commercial and residential development within the following zones: general commercial (GC), community business (CB), neighborhood business (NB), downtown commercial (DC), mixed use (MU).
  - (b) The following activities shall be exempt from these standards:
    - (i) Construction activities which do not require a building permit;
    - (ii) Interior remodels of existing structures;
    - (iii) Modifications or additions to existing multifamily, commercial, industrial, office and public properties when the modification or addition:
      - (A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and
      - (B) Constitutes less than 10 percent of the existing building's exterior facade.
  - (c) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.
- (2) Interpreting and Applying the Design Standards.
  - (a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. The following resources can be used in interpreting the guidelines: Residential Development Handbook for Snohomish County Communities (prepared for Snohomish County Tomorrow by Makers, Inc.), Site

Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993), and City Comforts (David Sucher, 1996).

(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or

(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

#### **22C.020.250**

#### **Site and building design standards.**

(1) Applicability.

(a) Prior to submitting a building permit application, all development to which these standards apply shall be required to submit a site plan addressing the standards in this section for administrative review and approval by the community development director.

(b) The site and building design standards of this section apply to institutional, commercial and multiple-family developments.

(c) The crime prevention through environmental design (CPTED) provisions of this section apply to all new commercial developments of over 12,000 square feet in building area and multifamily development of 10 or more units.

(2) Relationship of Building(s) to Site and Street Front.

(a) The site shall be planned to create an attractive street edge and accommodate pedestrian access. Examples of ways that a development meets the requirements of this provision are to:

(i) Define the street edge with buildings, landscaping or other features.

(ii) Provide for building entrances that are visible from the street.

(iii) Provide for a sidewalk at least five feet wide if there is not space in the public

ROW.

(iv) Provide building entries that are accessed from the sidewalk: Preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.

(v) Provide for businesses that require outdoor display oriented to the street, such as nurseries and auto sales, to have such display be raised and clearly marked.

(b) The development shall create a well-defined streetscape to allow for the safe movement of pedestrians. Whenever possible, building setbacks shall be minimized and parking and drive-through passageways shall be relegated to the side and rear of buildings.

(c) The development shall provide site development features that are visible and pedestrian-accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and access lighting.

(3) Relationship of Building(s) and Site to Adjoining Area.

(a) Where adjacent buildings and neighborhoods are consistent with the comprehensive plan and desired community character, new buildings and structures should consider the visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian/vehicular facilities and spacing from adjoining buildings.

(b) Harmony in texture, lines and masses is encouraged.



- (c) Attractive landscape transition to adjoining properties shall be provided.
- (d) Public and quasi-public buildings and structures shall be consistent with the established neighborhood character.
- (4) Landscape and Site Treatment.
  - (a) Parking lot screening and interior landscaping shall be provided consistent with [Chapter 22C.130 MMC](#). The following criteria shall guide review of plans and administration of the landscaping standards in the zoning code:
    - (i) The landscape plan shall demonstrate visual relief from large expanses of parking areas.
    - (ii) The landscape plan shall provide some physical separation between vehicular and pedestrian traffic.
    - (iii) The landscape plan shall provide decorative landscaping as a focal setting for signs, special site elements, and/or pedestrian areas.
    - (iv) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.
    - (v) Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.
    - (vi) Screening of outdoor service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, planting, berms or combinations of these.
    - (vii) Landscaping should be designed to create definition between public and private spaces.
    - (viii) Where feasible, the landscape plan shall coordinate the selection of plant material to provide a succession of blooms, seasonal color, and a variety of textures.
    - (ix) The landscape plan shall provide a transition in landscaping design between adjacent sites, within a site, and from native vegetation areas in order to achieve greater continuity.
    - (x) The landscape plan shall use plantings to highlight significant site features and to define the function of the site, including parking, circulation, entries, and open spaces.
    - (xi) Where feasible, the landscape plan shall integrate natural approaches to storm water management, including featured low impact development techniques.
  - (b) Street Landscaping. Where the site plan includes streetscape plantings, the following guidelines apply:
    - (i) Sidewalks and pathways should be separated from the roadway by planting strips with street trees wherever possible.
    - (ii) Planting strips should generally be at least five feet in width. They should include evergreen shrubs no more than four feet in height and/or ground cover in accordance with the city of Marysville landscape standards ([Chapter 22C.120 MMC](#)) and Marysville Administrative Landscaping Guidelines.
    - (iii) Street trees placed in tree grates may be more desirable than planting strips in key pedestrian areas.
    - (iv) Use of trees and other plantings with special qualities (e.g., spring flowers and/or good fall color) are strongly encouraged to unify development.
  - (c) Plaza/Pedestrian Area Landscaping within Shopping Centers and Mixed Use Site Plans.
    - (i) A range of landscape materials – trees, evergreen shrubs, ground covers, and seasonal flowers – shall be provided for color and visual interest.
    - (ii) Planters or large pots with small shrubs and seasonal flowers may be used to create protected areas within the plaza for sitting and people watching.
    - (iii) Creative use of plant materials, such as climbing vines or trellises, and use of sculpture groupings or similar treatments are encouraged.
    - (iv) All landscaping plans shall be submitted during site plan review for approval.
  - (d) Exterior lighting, when used, shall be part of the architectural concept. Lighting shall enhance the building design and adjoining landscaping. It should provide adequate lighting to ensure safety and security; enhance and encourage evening activities; and when warranted by the adjoining streetscape theme, provide a distinctive character to the area. In addition, the following shall be addressed:
    - (i) The site plan shall identify lighting equipment and standards. Uplighting on trees and provisions for seasonal lighting are encouraged.
    - (ii) Accent lighting on architectural and landscape features is encouraged to add interest and focal points.

(iii) Parking area lighting shall not exceed 25 feet in height and shall be shielded to minimize glare and spillage into the surrounding community.

(5) Building Scale Standards. All elements of building design should form an integrated development, harmonious in scale, line, and mass to ensure that buildings are based on human scale (i.e., the relationship of the size of the building's features to the people that use the building). Design elements should also ensure that large buildings reduce their apparent mass and bulk on elevations visible from streets or pedestrian routes through such methods as facade modulation and architectural detailing, roof treatment, colors, materials, and other special features.

(a) Integration. Large buildings should integrate features along their facades visible from the public right-of-way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.

(b) Facade Modulation. Building facades visible from public streets and public spaces should be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation should be one foot, and the minimum width should be five feet.

(c) Articulation. Buildings should be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include color, arrangement of facade elements, or change in building materials.

(i) Tripartite Articulation. Buildings should provide tripartite building articulation (building top, middle, and base) to provide pedestrian-scale and architectural interest.

(d) Window Treatments. Buildings should provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, awnings, etc., as well as applying complementary articulation around doorways and balconies.

(e) Architectural Elements. The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, by windows, dormers, and/or columns.

(f) Rooflines. A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

(i) Rooflines with alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval are encouraged.

(ii) Roofs that incorporate a variety of vertical dimensions such as multi-planed and intersecting rooflines are encouraged.

(iii) Flat-roofed designs should include architectural details such as cornices and decorative facings to provide interest to the roofline.

(g) When there is a change in the building plane, a change in the building materials, colors or patterns should also be considered.

(h) Landscaping. The landscape plan should provide a trellis, tree or other landscape feature within each interval.

(i) Upper Story Setback. Setting back upper stories helps to reduce the apparent bulk of a building and promotes human scale.

(j) Small-Scale Additions. In retail areas, small-scale additions to a structure can reduce the apparent bulk by articulating the overall form. Clustering smaller uses and activities around entrances on street-facing facades also allows for small retail or display spaces that are inviting and add activity to the streetscape.

(6) Building Details, Materials, and Colors.

(a) The building should provide visual interest, distinct design qualities, and promote compatibility and improvement within surrounding neighborhoods and community development through effective architectural detailing and the use of traditional building techniques and materials.

(b) Design Criteria.

(i) Building materials and building techniques should be of high durability and high quality. For commercial and residential uses, the use of brick is encouraged on walls or as accents on walls. Large areas of rough-cut wood, wide rough-cut lap siding, or large areas of T-111, plywood, or similar materials are prohibited. Vinyl siding is prohibited on the ground floor of commercial buildings.

(ii) Buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:



(A) Ornate rooflines, including use of ornamental molding, entablature, frieze, or other roofline devices.

(B) Overhead weather protection along sidewalks.

(C) Detailed treatment of windows and doors, including use of decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window treatment should be sized as follows:

1. Windows should not have individual glass panes with dimensions greater than five feet by seven feet.

2. Windows should be surrounded by trim, molding and/or sill at least four inches wide. Commercial buildings with no trim or molding should have window frames at least two inches wide.

3. Individual window units should be separated from adjacent window units by at least six inches of the building's exterior finish material.

(7) Public or Private Open Space. Where feasible and appropriate, larger (over 10 acres) commercial and residential developments should incorporate open spaces into the site design to provide community gathering space and neighborhood meeting areas. These areas should provide outdoor spaces for relaxing, eating, socializing, and recreating. The following standards apply to these outdoor areas:

(a) Plazas and Gathering Places.

(i) Areas should be sized between 5,000 and 10,000 square feet.

(ii) Plazas and gathering places should be able to serve as a center for daily activities.

(iii) Paving should be unit-pavers or concrete with special texture, pattern, and/or decorative features.

(iv) Pedestrian amenities should be provided, including features such as seating, plants, drinking fountains, artwork, and such focal points as sculptures or water features.

(v) Lighting fixtures should be approximately 10 to 15 feet above the surface. The overall lighting in the plaza should average at least two foot-candles.

(b) Open Spaces and Project Details. The listed literature resources in [MMC 22C.020.240\(2\)\(a\)](#) provide smaller scale concepts for integrating public gathering places and open spaces into the project design.

(8) Site Design Utilizing Crime Prevention Thorough Environmental Design (CPTED) Principles. Development that is subject to this section shall incorporate the following CPTED strategies into building design and site layout:

(a) Access Control. Guidance of people coming and going from a building or site by placement of real and perceived barriers. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas that are not readily observable.

(b) Surveillance. Placement of features, uses, activities, and people to maximize visibility. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them.

(c) Territoriality/Ownership. Delineation of private space from semi-public and public spaces that creates a sense of ownership. Techniques that reduce the perception of areas as "ownerless" and, therefore, available for undesirable uses.

Examples of ways in which a proposal can comply with CPTED principles are outlined in the "CPTED Guidelines for Project Design and Review," prepared by the city.

#### **22C.020.260 Commercial, multiple-family, townhome, and group residences – Vehicular access and parking location.**

(1) On sites abutting an alley, commercial, apartment, townhome and all group residences developments shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the planning director due to physical site limitations.

(2) When alley access is available, and provides adequate access for the site, its use will be encouraged.

(3) When common parking facilities for attached dwellings and group residences exceed 30 spaces, no more than 50 percent of the required parking shall be permitted between the street property line and any building, except when authorized by the planning director due to physical site limitations.

(4) Direct parking space access to an alley may be used for parking lots with five or fewer spaces.

**22C.020.270 On-site recreation – Space required.**

(1) Except when fees in lieu of commonly owned recreation space are provided pursuant to MMC 22C.020.280 through MMC 22C.020.310, multiple-family developments in the mixed use zones shall provide outdoor or active recreation space, or a combination thereof, in accordance with the following chart:

Type of dwelling unit	Outdoor open space	Active recreation facility
(a) Studio and one bedroom	90 square feet per unit	45 square feet per unit
(b) Two bedroom	130 square feet per unit	65 square feet per unit
(c) Three or more bedroom	170 square feet per unit	85 square feet per unit

- (2) Any recreation space located outdoors shall:
- (a) Be of a grade and surface suitable for recreation;
  - (b) Be on the site of the proposed development;
  - (c) Be one continuous parcel if less than 3,000 square feet in size, not to be located in the front yard setback;
  - (d) Have no dimensions less than 30 feet (except trail segments);
  - (e) In an apartment or townhome development, have a street roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments); and
  - (f) Be centrally located and accessible and convenient to all residents within the development.
- (3) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.
- (4) Active recreation facilities may include, but are not limited to, exercise rooms, sport courts, swimming pools, tennis courts, game rooms, or community centers. Outdoor open space shall not include areas devoted to parking or vehicular access, and should be one continuous tract.

**22C.020.280 On-site recreation – Play areas required.**

- (1) All apartment, and townhome development, excluding senior citizen apartments, shall provide tot/children play areas within the recreation space on-site, except when facilities are available within 1/4 mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.
- (2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:
- (a) At least 400 square feet in size with no dimension less than 20 feet; and
  - (b) Adjacent to main pedestrian paths or near building entrances;
  - (c) Visual access from adjacent residential structures is provided.

**22C.020.290 On-site recreation – Maintenance of recreation space or dedication.**

- (1) Unless the recreation space is dedicated to city of Marysville pursuant to subsection (2) of this section, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city.
- (2) Recreation space may be dedicated as a public park when the following criteria are met:
- (a) The dedicated area is at least 1.5 acres in size, except when adjacent to an existing or planned public park;
  - (b) The dedicated land provides one or more of the following:
    - (i) Shoreline access,
    - (ii) Regional trail linkages,
    - (iii) Habitat linkages,
    - (iv) Recreation facilities, or
    - (v) Heritage sites;

- (c) The entire dedicated area is located less than one mile from the project site.

**22C.020.300 On-site recreation – Fee in-lieu of recreation space.**

Nothing herein shall prohibit voluntary agreements with the city that allow a payment in lieu of providing on-site open space or recreation when a proposed development is located within 1,000 feet of an existing or proposed recreational facility.

**22C.020.310 On-site recreation – Acceptance criteria for fee in-lieu of recreation space.**

City of Marysville acceptance of this payment is discretionary, and may be permitted if:

- (1) The proposed on-site recreation space does not meet the criteria of [MMC 22C.020.290\(2\)](#); or
- (2) The recreation space provided within a public park in the vicinity will be of greater benefit to the prospective residents of the development.

**22C.020.320 Storage space and collection points for recyclables.**

Developments shall provide storage space for the collection of recyclables as follows:

- (1) The storage space shall be provided at the rate of:
  - (a) One and one-half square feet per dwelling unit in multiple-dwelling developments except where the development is participating in a public agency-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;
  - (b) Two square feet per every 1,000 square feet of building gross floor area in office, educational and institutional developments;
  - (c) Three square feet per every 1,000 square feet of building gross floor area in manufacturing and other nonresidential developments; and
  - (d) Five square feet per every 1,000 square feet of building gross floor area in retail developments.
- (2) The storage space for residential developments shall be apportioned and located in collection points as follows:
  - (a) The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.
  - (b) There shall be one collection point for every 30 dwelling units.
  - (c) Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.
  - (d) Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.
  - (e) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
- (3) The storage space for nonresidential development shall be apportioned and located in collection points as follows:
  - (a) Storage space may be allocated to a centralized collection point.
  - (b) Outdoor collection points shall not be located in any required setback areas.
  - (c) Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
  - (d) Access to collection points may be limited, except during regular business hours and/or specified collection hours.
- (4) The collection points shall be designed as follows:
  - (a) Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.
  - (b) Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.
  - (c) Collection points shall be identified by signs not exceeding two square feet.
  - (d) A six-foot wall or fence shall enclose any outdoor collection point, excluding collection points located in industrial developments that are greater than 100 feet from residentially zoned property.
  - (e) Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least 12 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

(f) Weather protection of recyclables shall be ensured by using weather-proof containers or by providing a roof over the storage area.

(5) Only recyclable materials generated on-site shall be collected and stored at such collection points. Except for initial sorting of recyclables by users, all other processing of such materials shall be conducted off-site.

## **22C.020.330**

### **Fences**

#### **(1) Purpose.**

The fence standards promote the positive benefits of fences without negatively affecting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access and the safe movement of pedestrians and vehicles, and create an unattractive appearance.

#### **(2) Types of fences.**

(a) The standards apply to walls, fences, trellises, arbors and screens of all types whether open, solid, wood, metal, wire, masonry or other material.

(b) No barbed or razor-wire fence shall be permitted, except for the following:

- (i) Industrial zones.
- (ii) Confinement of livestock.
- (iii) Public facilities, transmitter and transformer sites.
- (iv) Government installations where security or public safety is required.

#### **(3) Height.**

(a) Business and Commercial Zones. All yards – 8’.

(b) Industrial Zones. All yards – 10’.

(c) When a protective fence is located on top of a rockery, any portion of the fence above a height of eight (8) feet shall be an open-work fence.

(d) Open wire mesh or similar type fences may be erected in excess of the maximum heights permitted in this code on the periphery of playgrounds associated with private and public schools and parks, public facilities, transmitter and transformer sites, and government installations where security or public safety is required.

(e) The height of a fence or freestanding wall, retaining wall or combination of the same, shall be measured from its top surface, board, rail, or wire to the natural elevation of the ground on which it stands.

(f) Where the finished grade is a different elevation on either side of a fence, the height may be measured from the side having the highest elevation.

#### **(4) Setbacks.**

(a) Front lot line.

(i) Solid fences greater than four (4) feet in height, shall be set back at least twenty (20) feet from the street right-of-way, except in the following circumstances:

(A) For a corner lot the twenty (20) foot setback shall only apply to the street which provides primary access to the lot.

(B) This setback requirement may be waived or modified by the city engineer or his designee if a fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks.

(ii) A four (4) foot fence, or six (6) foot fence with the top two (2) feet constructed as an open-work fence, may be constructed on the front property line, provided the fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks.

(b) Side lot line.

No setback requirement.

(c) Rear lot line.

No setback requirement

(d) For special rules relating to fences and walls near fire hydrants, see MMC 14.03.050(2) and the International Fire Code.

#### **(5) Fence variances.**

In considering a request for a modification of the fence requirements outlined in subsection (1) through (4) of this section, the hearing examiner shall consider the following factors:

(a) If the proposed fence is designed and constructed so that it does not cause a public safety hazard by obstructing visibility of pedestrians or motorists using streets, driveways or sidewalks;

(b) The proposed fence will not infringe upon or interfere with utility and/or access easements or covenant rights or responsibilities;

(c) Other information which is relevant and necessary to make a determination as to the validity of the request for variation. Such additional information may include site plans, elevation drawings, and information concerning the surrounding properties and uses.

**22C.020.340 Special limitations in the business and commercial zones.**

(1) Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and/or directed so as not to visibly create a nuisance to any property in a residential zoning classification.

(2) Mechanical equipment located on the roof, facade or external portions of a building shall be architecturally screened so as not to be visible from adjacent properties at street level or the public street.

(3) Equipment or vents which generate noise or air emissions shall be located on the opposite side of the building from adjoining residentially designated properties.

**22C.020.350 Special limitations in the industrial zones.**

(1) Where illuminated signs and illuminated areas are permitted, such illuminating devices shall be shaded and/or directed so as not to visibly create a nuisance to any property in a residential zone classification.

(2) Industrial and exterior lighting shall not be used in such a manner that it produces glare on public highways. Arc welding, acetylene-torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

(3) The storage and handling of inflammable liquids, liquefied petroleum, gases, and explosives shall comply with rules and regulations falling under the jurisdiction of the city's fire chief, and the laws of the state of Washington. Bulk storage of inflammable liquids below ground shall be permitted, and the tanks shall be located not closer to the property line than the greatest dimension (diameter, length or height) of the tank.

(4) Provisions shall be made for necessary shielding or other preventive measures against interference as occasioned by mechanical, electrical and nuclear equipment, and uses or processes with electrical apparatus in nearby buildings or land uses.

(5) Liquid and solid wastes, storage of animal or vegetable waste which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line in an industrial district.

**22C.020.360 Nonconforming Situations**

Existing developments that do not conform to the development standards of this chapter are subject to the standards of [Chapter 22C.100 MMC](#), Nonconforming Situations.

**22C.020.370 Parking and Loading**

The standards pertaining to the required number of auto parking spaces, bicycle parking spaces, parking lot placement, parking lot setbacks and internal parking lot pedestrian connections are stated in [Chapter 22C.130 MMC](#), Parking and Loading.

**22C.020.380 Signs**

The sign standards are stated in [Chapter 22C.160 MMC](#), Signs.

**22C.020.390 Landscaping and Screening**

The landscaping and screening standards are stated in [Chapter 22C.120 MMC](#), Landscaping and Screening.

**Chapter 22C.030****ADULT FACILITIES OVERLAY ZONE****Sections:**

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**22C.030.010****Purpose.**

The purpose of establishing the adult facilities overlay zone is to permit the location of adult facilities in an area of the city which will reduce the secondary effects of such an establishment on the community. The performance criteria included in this zone are intended to control external as well as internal impacts of the development and bulk and special limitations in other chapters of the zoning code are superseded by the provisions of this chapter. It is the further purpose of this zone to prevent the location of adult facilities throughout the city by consolidating them in one area. Because of the unique character of this zone, and its potential to disrupt preexisting residential and commercial development in the community, the city will only consider classifying property in this zone if such property is designated on the comprehensive plan as general industrial and is suitable for adult facilities. This chapter provides alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:

- (1) Establishing authority to adopt property-specific development standards for increasing minimum requirements of the code on individual sites; and
- (2) Establishing the adult facilities overlay zone with alternative standards for special areas designated by the comprehensive plan or neighborhood plans.

**22C.030.020****Authority.**

- (1) This chapter authorizes the city of Marysville to increase development standards or limit uses on specific properties beyond the general requirements of the code through property-specific development standards, and to carry out comprehensive plan policies through special districts and overlay zones which supplement or modify standard zones through different uses, design or density standards or review processes.
- (2) The adult facilities overlay zone shall be applied to specific properties or areas containing several properties through zoning reclassification as provided in [MMC 22G.010.420](#).

**22C.030.030****General provisions.**

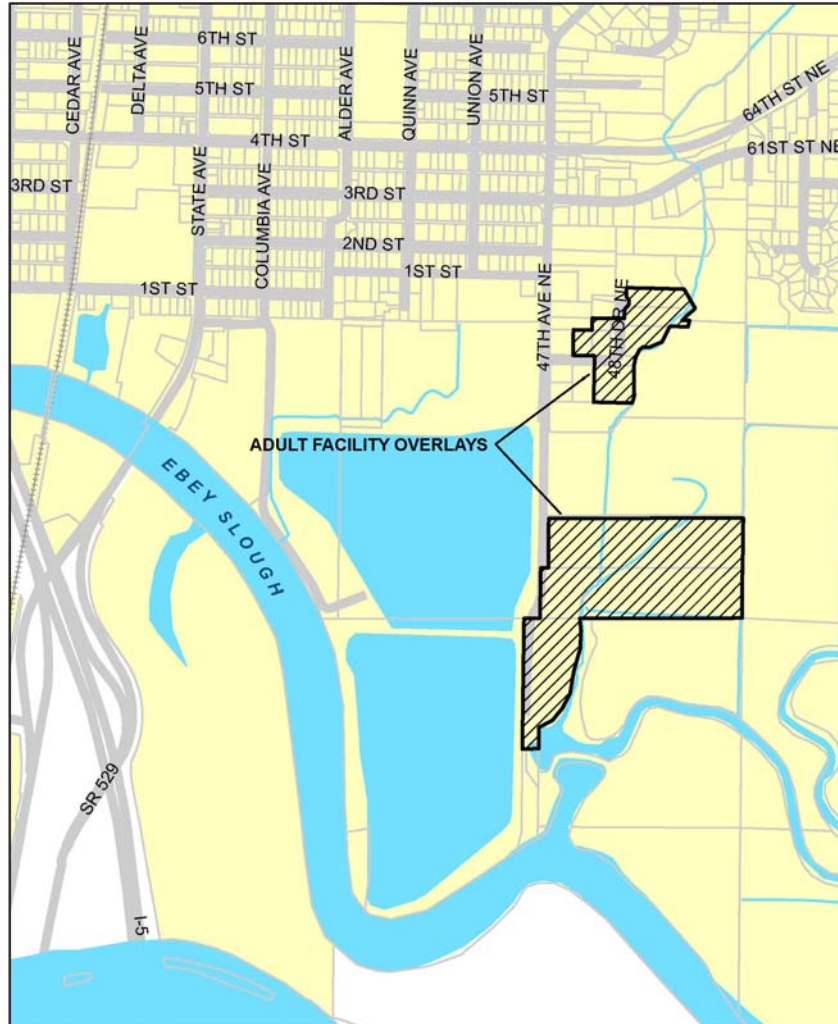
Adult facilities overlay zones shall be designated on the city zoning map as follows:

- (1) Designation of the adult facilities overlay zone shall include policies that prescribe the purposes and location of the overlay;
- (2) An adult facilities overlay zone shall be indicated on the zoning map with the suffix "-AF" following the map symbol of the underlying zone or zones;
- (3) The adult facilities overlay zones set forth in this chapter may expand the range of permitted uses and development standards established by the code for any use or underlying zone; and
- (4) Unless they are specifically modified by the provisions of this chapter, the standard requirements of the code and other city ordinances and regulations govern all development and land uses within the adult facilities overlay zone.



**22C.030.040****Location.**

The adult facilities overlay zone is to be established only upon land located along the east side of the 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30 N., Range 5 E., W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30 N., Range 5 E., W.M., as identified on the following map:



City of Marysville  
**Adult Facility Overlay Zone**

**22C.030.050 Permitted Uses.**

The following uses shall be permitted in the adult facilities overlay zone:

- (1) Adult facilities.
- (2) All uses allowed in the underlying zone.

**22C.030.060 Existing Adult Facilities.**

Notwithstanding the provisions of [Chapter 22C.100 MMC](#) relating to nonconforming uses, any adult facility lawfully existing and operating on the effective date of the ordinance or at the time of annexation of an area into the city may be continued and maintained without regard to the restrictions on adult facilities contained herein on the following conditions:

- (1) There may be a change in tenancy, ownership or management of the facility; provided, that there is no change in the nature or character of the business.
- (2) If the adult facility or use is vacated, abandoned or closed for a continuous period of 180 days, the nonconforming status shall be lost.
- (3) The adult facility or use cannot be expanded into additional buildings or areas of buildings on the property.
- (4) All other codes, ordinances, regulations and statutes shall be complied with in full.
- (5) All nonconforming adult facilities and uses shall be granted a phase-out period of two years, unless said two-year period is an unreasonable period of amortization for the said use. In that event, a nonconforming adult facility shall make application to the city land use hearing examiner no later than 180 days prior to expiration of the two-year amortization period for an extension of time. The decision of the hearing examiner shall be in accordance with the provisions of [Chapter 22G.060 MMC](#). In determining whether to recommend the granting of an extension or not, the hearing examiner shall determine whether or not the harm or hardship to the nonconforming adult facility outweighs the benefit to be gained by the public from termination of the use. Factors to be considered by the examiner include the secondary adverse effects of the business on the neighborhood/community, the location of the business in relationship to schools, parks, churches, athletic facilities, convention facilities and residential zones, initial capital investment, investment realization to date, life expectancy of the investment, the existence or nonexistence of a lease option, as well as a contingency clause permitting termination of the lease, and whether a reasonable alternative use of the property exists.

**22C.030.070 Violation.**

- (1) Violation of any of the provisions of this chapter relating to adult facilities is declared to be a public nuisance per se and shall be subject to abatement through civil proceedings and not by criminal prosecution.
- (2) Nothing in this code is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates city codes or statutes of the state of Washington regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.



**Chapter 22C.040****MIXED USE – SPECIAL DISTRICT****Sections:**

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**22C.040.010****Purpose.**

- (1) This chapter provides for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:
- (a) Establishing authority to adopt property-specific development standards for increasing minimum requirements of the code on individual sites; and
  - (b) Establishing special districts and overlay zones with alternative standards for special areas designated by the comprehensive plan or neighborhood plans.
- (2) The purpose of the mixed use (MU) zone, and mixed use special district, is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:
- (a) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
  - (b) Providing for higher building heights and floor area ratios than those found in other commercial zones;
  - (c) Reducing the ratio of required parking-to-building floor area;
  - (d) Allowing for on-site convenient daily retail and personal services for employees and residents; and
  - (e) Minimizing auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.

**22C.040.020****Authority.**

- (1) This chapter authorizes the city of Marysville to increase development standards or limit uses on specific properties beyond the general requirements of the code through property-specific development standards, and to carry out comprehensive plan policies through special districts which supplement or modify standard zones through different uses, design or density standards or review processes.
- (2) A zoning reclassification, as provided in [MMC 22G.010.420](#), must be submitted if a site is located in a designated mixed use overlay area on the comprehensive plan, and must be accompanied by a preliminary development plan prepared in compliance with the regulations and requirements of this chapter.

**22C.040.030****Applicability.**

- (1) Use of this zone is appropriate in areas designated by the comprehensive plan for mixed use which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (2) A tract of land must be in single ownership, or for multiple parcels, under unified control. This requirement shall apply during preliminary and final plan stages to ensure continuity of plan development.

**22C.040.040****General Performance Standards.**

- All development within the mixed use zone, or mixed use – special district, shall strictly comply with the following general performance standards:
- (1) Preliminary and final plans must comply with bulk regulations contained in this chapter and [Chapter 22C.020 MMC](#).
  - (2) All proposed sites shall be served by public water and sewer services and paved streets.
  - (3) Open space/recreation facilities shall be provided as outlined in [MMC 22C.020.270](#) through [22C.020.310](#).
  - (4) Vehicular Access and Traffic.

(a) Each project shall be limited to a maximum of two points of vehicular access on any one street unless it can be demonstrated that additional points of vehicular access would not materially impede the flow of traffic on the adjoining streets.

(b) Developments which provide both residential and nonresidential uses may be eligible for an appropriate traffic mitigation fee reduction.

(c) Pedestrian access shall be a priority in review of the vehicular access plan.

(d) Access points on arterial streets shall be coordinated with adjacent properties in order to limit the overall number of access points.

(5) Pedestrian Access.

All projects which contain multiple businesses and/or residential uses shall provide an interconnecting pedestrian circulation system. When a proposed development is on an established bus route, the applicant may be required to provide a bus shelter.

(6) Parking. Off-street parking for residential and nonresidential uses shall comply with [Chapter 22C.130 MMC](#). Off-street parking requirements are modified as follows for developments within Planning Area 1 (Downtown) as defined in the city's comprehensive plan which provide both residential and nonresidential uses:

(a) No less than one (1) space for every 1,000 square feet of nonresidential floor area shall be provided;

(b) For duplexes, triplexes, fourplexes, apartments, and condominiums, one (1) space per each studio or one bedroom dwelling unit, and one and one-half (1½) spaces per each two or more bedroom units.

(7) Lighting.

Outdoor lighting shall not shine on adjacent properties, rotate or flash.

(8) Utilities.

All new utility services and distribution lines shall be located underground.

(9) Sidewalks.

Sidewalk width requirements shall be increased to a range of seven (7) to ten (10) feet on streets designated as major pedestrian corridors. For sidewalk widths exceeding the amount required in the city of Marysville Engineering Design and Development Standards, credit will be given on a square footage basis for any dedication of the additional right-of-way.

(10) Signs. Signs shall comply with the requirements of [Chapter 22C.160 MMC](#).

(11) Standards Incorporated by Reference.

Unless specifically superseded by provisions of this chapter, performance standards for residential and commercial development found elsewhere in the Marysville Municipal Code shall apply to such developments in the mixed use zones, and mixed use – special districts, including parking requirements, storm drainage requirements, sign regulations, and noise regulations.

(12) Maintenance of Open Space, Landscaping and Common Facilities.

The owner of the property, its heirs, successors and assigns, shall be responsible for the preservation and maintenance of all open space, parking areas, walkways, landscaping, fences and common facilities, in perpetuity, at a minimum standard at least equal to that required by the city, and approved by the planning director, at the time of initial occupancy.

#### **22C.040.050 General Design Requirements.**

All development within the mixed use zones, and mixed use – special districts, shall strictly comply with the following general design requirements:

(1) Vehicular Access and Parking Location.

(a) On sites abutting an alley, apartment and townhome developments shall have parking areas placed to the rear of buildings with primary vehicular access via the alley, except when waived by the Community Development Director due to physical site limitations;

(b) When alley access is available, and provides adequate access for the site, its use will be encouraged;

(c) No more than thirty percent (30%) of the site street frontage can be used for parking or driveways;

(d) Direct parking space access to an alley may be used for parking lots with five or fewer spaces.

(2) Every use shall be subject to the pedestrian-oriented development standards outlined in the comprehensive plan (e.g., placement and orientation of buildings with respect to streets and sidewalks, the use of awnings or marquees, and the placement of parking facilities).

**Chapter 22C.050****SMALL FARMS OVERLAY ZONE****Sections:**

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**22C.050.010****Purpose.**

The purpose of the small farms overlay is to provide a process for registering small farms, thereby applying the small farms overlay zone and recording official recognition of the existence of the small farm, and to provide some encouragement for the preservation of such farms, as well as encouraging good neighbor relations between single-family and adjacent development. This chapter provides alternative development standards to address unique site characteristics and addresses development opportunities which can exceed the quality of standard developments, by:

- (1) Establishing authority to adopt property-specific development standards for increasing minimum requirements of the code on individual sites; and
- (2) Establishing the small farms overlay zone with alternative standards for special areas designated by the comprehensive plan or neighborhood plans.

**22C.050.020****Applicability.**

This chapter sets forth an administrative process of procedures and standards to be followed in applying for the small farms overlay zone. This overlay zone may be applied to all zones within the city of Marysville.

**22C.050.030****Authority.**

- (1) This chapter authorizes the city of Marysville to increase development standards or limit uses on specific properties beyond the general requirements of the code through property-specific development standards, and to carry out comprehensive plan policies through special districts and overlay zones which supplement or modify standard zones through different uses, design or density standards or review processes.
- (2) The small farms overlay zone shall be applied to specific properties or areas containing several properties through zoning reclassification as provided in [MMC 22G.010.420](#).

**22C.050.040****General provisions.**

Small farms overlay zones shall be designated on the city zoning map as follows:

- (1) Designation of a small farms overlay zone shall include policies that prescribe the purposes and location of the overlay;
- (2) A small farms overlay zone shall be indicated on the zoning map with the suffix “-SF” following the map symbol of the underlying zone or zones;
- (3) The small farms overlay zone may expand the range of permitted uses and development standards established by the code for any use or underlying zone; and
- (4) Unless they are specifically modified by the provisions of this chapter, the standard requirements of the code and other city ordinances and regulations govern all development and land uses within the small farms overlay zones.

**22C.050.050****Permitted Uses in Small Farms Overlay Zone.**

The following uses are permitted in the Small Farms Overlay Zone:

- (1) Horticulture.
- (2) Floriculture.

- (3) Viticulture.
- (4) Animal husbandry.
- (5) Production of seed, hay and silage.
- (6) Christmas tree farming.
- (7) Aquaculture.
- (8) Roadside stands, subject to the following standards:
  - (a) Roadside stands not exceeding 300 square feet in area.
  - (b) Roadside stands shall be exclusively for the sale of products produced on the premises, from the above listed uses.
  - (c) Space adequate for the parking of a minimum of three vehicles shall be provided adjacent to any stand and not less than 20 feet from any street right-of-way.
- (9) One single-family dwelling per lot shall be allowed, together with accessory structures and uses.

#### **22C.050.060 Approval Requirements.**

Administrative approval for the small farms overlay shall be requested by the property owner and shall be granted by the Community Development Director if the following requirements are met:

- (1) The minimum lot size shall be 100,000 sq. ft. (2.3 acres). Smaller tracts shall be permitted if such tracts were in existence and in agricultural use on, or before, enactment of Ordinance 2131 (June 9, 1992).
- (2) The use of the property is an existing and ongoing agricultural activity, as defined in [MMC 22A.020.060](#), or in the case of a new small farm larger than 2.3 acres, the property will be used for such agricultural activity.
- (3) The applicant pays a registration fee of \$50.00.
- (4) The property owner provides the legal description and street address of the subject property.
- (5) In the case of new small farms, the applicant shall submit a site plan which includes the following additional information:
  - (a) Existing and/or proposed structures and required setbacks;
  - (b) Drainage channels, water courses, marshes, lakes and ponds;
  - (c) Fences, proposed grazing/exercise areas;
  - (d) Distance of adjacent dwellings to the subject site's property boundaries and buildings;
  - (e) Method of manure disposal; and
  - (f) Any regulated critical areas such as wetlands, streams, geologic hazard areas or wildlife habitat.

#### **22C.050.070 Small Farm Protections.**

- (1) All agricultural activities, when conducted consistent with good agricultural practices, are declared to be a permitted activity within the small farms overlay zone, notwithstanding any other section of the code. Agricultural activities undertaken in conformity with all applicable laws and rules are presumed to be good agricultural practices not adversely affecting the public health and safety.
- (2) Farm machinery and livestock animal noises emanating from a farm granted the small farms overlay shall be exempt from the city's noise code, [Chapter 6.76 MMC](#).
- (3) New subdivisions located adjacent to tracts granted the small farms overlay shall provide a six (6) foot high, sight-obscuring chain link fence along the property line, unless the developer demonstrates by clear and convincing evidence that a different barrier would be as adequate to protect the small farm. The following alternative methods of sight-obscuring screening may be utilized, but shall not be limited to:
  - (a) Protected critical areas and related buffers may be utilized, if directly adjacent to the small farms overlay zone; or
  - (b) An existing vegetative buffer which provides adequate screening and separation between the small farm use and the proposed subdivision.

The applicant shall demonstrate to the Community Development Department that the alternative screening method proposed provides the greatest amount of protection relative to the type of adjacent agricultural use.

#### **22C.050.080 Bulk and Dimensional Requirements.**

Bulk and dimensional requirements shall be consistent with the underlying residential zoning classification, as set forth in [Chapter 22C.010 MMC](#).

**22C.050.090 Notification Requirements.**

The notification requirements of this section shall apply to new small farms overlay requests, as well as existing and ongoing agricultural activities which were not granted the small farms overlay designation:

- (1) Signs. When the Community Development Department determines that the proposed overlay request meets all the requirements as specified in [MMC 22C.050.060](#), then the applicant shall post the property with a public notice sign. This sign shall be supplied, organized, designed and placed as defined by the Community Development Department. All signs designed herein are exempt from the city's zoning and sign codes. All signs required to be posted shall remain in place until the final decision has been reached on the overlay zone. Following the decision, the applicant must remove the sign within 14 calendar days.
- (2) Upon receipt of a complete application, the city shall send written notice to adjacent property owners within 300 feet of any portion of the subject property. Notice is deemed sent once placed in the mail.
- (3) Upon receipt of a complete application, the city shall cause one notice of application to be published in the official newspaper.
- (4) Upon receipt of a complete application, the notice of application shall be posted at Marysville City Hall, at the United States Post Office in the city, and in at least one additional location with public exposure.

**22C.050.100 Disclosure Text.**

- (1) Subject to subsections (2) and (3) of this section, the following shall constitute the disclosure required by this section for new small farms, development permits, building permits and transfers of real property within the small farms overlay zone:

Your real property is within, adjacent to, or within 300 feet of property designated as a small farm; therefore, you may be subject to inconveniences or discomforts arising from agricultural activities, including but not limited to noise, odors, fumes, dust, smoke, the operation of machinery of any kind, the storage and disposal of manure, the application by spraying or otherwise of chemical or organic fertilizers, soil amendments, herbicides and pesticides, hours of operation, and other agricultural activities.

Agricultural activities conducted within the overlay zone and in compliance with acceptable agricultural practices and established prior to surrounding nonagricultural activities are presumed to be reasonable and shall not be found to constitute a nuisance unless the activities have a substantial adverse effect on the public health and safety or are clearly not related to the small farm activities.

This disclosure applies to the real property which is subject to a development or building permit as of the date of the development or building permit approval or, in the case of real property transfers, the disclosure applies to the subject property as of the date of the transfer. This disclosure may not be applicable thereafter if areas subject to small farms overlay zone are changed from the small farms overlay designation.

- (2) Prior to the closing of a transfer of real property within the small farms overlay zone, or real property adjacent to or within 300 feet of the small farms overlay zone, by deed, exchange, gift, real estate contract, lease with option to purchase, option to purchase, or any other means of transfer or conveyance (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in this section and shall record with the county auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the Community Development Director. The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer and may not be applicable thereafter if the small farms overlay designation is removed.
- (3) Development permits and building permits for land within the small farms overlay zone or land adjacent to or within 300 feet of land within the small farms overlay zone shall include the disclosure text in this section on the final development or building permit in a location determined by the Community Development Director. Said disclosure notice shall apply to the real property which is subject to the development or building permit as of the date of development or building permit approval and may not be applicable thereafter if areas designated with the small farms overlay zone are removed from said designation.

**22C.050.110 Appeals to Hearing Examiner.**

(1) All appeals of decisions relating to the small farms overlay zone shall be made to the hearing examiner. Such appeals must be made in writing and filed with the Community Development Department within 14 calendar days from the date on which the decision was rendered.

(2) The written appeal shall include a detailed explanation stating the reason for the appeal. The decision of the hearing examiner shall constitute a recommendation to the city council, pursuant to [MMC 22G.060.130](#).

(3) Standing to appeal is limited to the following:

(a) The applicant or owner of the property on which the small farms overlay is proposed; and

(b) Any aggrieved person that will thereby suffer a direct and substantial impact from the proposed overlay zone.

**22C.050.120 Time Period Stay – Effect of Appeal.**

The filing of an appeal shall stay the running of the time periods for small farms overlay approval as set forth in this title.

**22C.050.130 Appeals to Court.**

Any appeals from a decision approving or disapproving the small farms overlay zone shall be in accordance with the Land Use Petition Act and shall be filed within 21 days of a final city council decision.

**Chapter 22C.060****SMOKEY POINT MASTER PLAN AREA – DESIGN REQUIREMENTS****Sections:**

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**22C.060.010****Purpose.**

The purpose of this chapter is to apply the design guidelines in the Smokey Point Master Plan, as adopted by [Ordinance No. 2738](#), as legally required standards for all new construction in the Smokey Point Master Plan Area (MPA). It is also the purpose of this chapter to:

- (1) Encourage the realization and creation of a desirable and aesthetic environment in the Smokey Point MPA;
- (2) Establish a commercial/light industrial park that, based on the allowable uses in the zoning designations, provides jobs for the residents of Marysville and expand the City's commercial/light industrial base.
- (3) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;
- (4) Provide design guidance that coordinates the "look and feel" of the project while ensuring ecological and environmental responsibility and providing for efficient functioning of the Smokey Pointe MPA;
- (5) Bring the range of uses together by individual site plans that will:
  - (a) Demonstrate how the elements of the site relate to the street front;
  - (b) Provide for compatibility with adjacent land uses;
  - (c) Provide protection or mitigation of natural features;
  - (d) Enhance street fronts and street corners;
  - (e) Promote public safety;
  - (f) Incorporate service areas and storm water facilities in a non-obtrusive manner; and
  - (g) Provide convenient pedestrian and vehicle circulation connecting on-site activities with adjacent pedestrian routes and streets.

**22C.060.020****Applicability and interpretations.**

- (1) Applicability.
  - (a) The design guidelines set forth in the Smokey Point Master Plan, as adopted by [Ordinance No. 2738](#), shall apply to all new construction in the Smokey Point MPA.
  - (b) The design guidelines shall be legally required standards, which shall be applied by the city to all development approvals and permits in the Smokey Point MPA.
  - (c) The following activities shall be exempt from these standards:
    - (i) Construction activities which do not require a building permit;
    - (ii) Interior remodels of existing structures;
    - (iii) Modifications or additions to existing commercial, industrial and public properties when the modification or addition:
      - (A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and
      - (B) Constitutes less than 10 percent of the existing building's exterior facade.
  - (d) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.
- (2) Interpreting and Applying the Design Standards.
  - (a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards.
  - (b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.
    - (i) The words "shall," "must," "will," and "is/are required," or words with their equivalent meaning, mean that the development proposal must comply with the standard unless the director finds that:

- (A) The standard is not applicable in the particular instance; or
  - (B) The development proposal meets the intent of the standards in some other manner.
- (ii) The word "should," or words with its equivalent meaning, mean that the development proposal will comply with the standard unless the director finds that:
  - (A) The standard is not applicable in the particular instance;
  - (B) The development proposal meets the intent of the standards in some other manner; or
  - (C) There is convincing evidence that applying the standard would not be in the public interest.
- (iii) The words "is/are encouraged," "can," "consider," "help," and "allow," or words with their equivalent meaning, mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.
- (c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.



**Chapter 22C.070****EAST SUNNYSIDE/WHISKEY RIDGE MASTER PLAN AREA –  
DESIGN REQUIREMENTS****Sections:**

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**22C.070.010****Purpose.**

The purpose of this chapter is to apply the design standards and guidelines in the East Sunnyside/Whiskey Ridge Design Standards and Guidelines and the East Sunnyside/Whiskey Ridge Streetscape Design Plan, as adopted by [Ordinance No. 2762](#), as legally required standards for all new construction in the East Sunnyside/Whiskey Ridge Master Plan Area (MPA). It is also the purpose of this chapter to:

- (1) Encourage the realization and creation of a desirable and aesthetic environment in the East Sunnyside/Whiskey Ridge MPA;
- (2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community aesthetic appeal;
- (3) Encourage creative approaches to the use of land and related physical developments;
- (4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;
- (5) Allow a mixture of complementary land uses that may include housing, retail, offices, and commercial services, in order to create economic and social vitality and encourage the linking of vehicle trips;
- (6) Develop commercial and mixed use areas that are safe, comfortable and attractive to pedestrians;
- (7) Support the use of streets as public places that encourage pedestrian and bicycle travel;
- (8) Reduce opportunities for crimes against persons and property;
- (9) Minimize land use conflicts and adverse impacts;
- (10) Provide roadway and pedestrian connections between residential and commercial areas;
- (11) Provide public places and open space networks to create gateways, gathering places, and recreational opportunities that enhance the natural and built environment.

**22C.070.010****Applicability and interpretations.**

- (1) Applicability.
  - (a) The design guidelines set forth in the East Sunnyside/Whiskey Ridge Master Plan, as adopted by [Ordinance No. 2762](#), shall apply to all new construction in the East Sunnyside/Whiskey Ridge MPA.
  - (b) The design guidelines shall be legally required standards, which shall be applied by the city to all development approvals and permits in the East Sunnyside/Whiskey Ridge MPA.
  - (c) The following activities shall be exempt from these standards:
    - (i) Construction activities which do not require a building permit;
    - (ii) Interior remodels of existing structures;
    - (iii) Modifications or additions to existing multifamily, commercial, industrial, office and public properties when the modification or addition:
      - (A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and
      - (B) Constitutes less than 10 percent of the existing building's exterior facade.
  - (d) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.
- (2) Interpreting and Applying the Design Standards.
  - (a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards.
  - (b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required," or words with their equivalent meaning, mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or  
(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should," or words with its equivalent meaning, mean that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;  
(B) The development proposal meets the intent of the standards in some other manner; or  
(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow," or words with their equivalent meaning, mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

**Chapter 22C.080****DOWNTOWN MASTER PLAN AREA – DESIGN REQUIREMENTS****Sections:**

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**22C.080.010****Purpose.**

The purpose of this chapter is to apply the guidelines in the downtown master plan, as adopted by [Ordinance No. 2788](#), as legally required standards for new construction in the downtown master plan area (MPA). It is also the purpose of this chapter to:

- (1) Encourage the realization and creation of a desirable and aesthetic environment in the downtown MPA;
- (2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;
- (3) Encourage creative approaches to the use of land and related physical developments;
- (4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;
- (5) Implement the city's comprehensive plan vision, which calls for a vibrant, pedestrian-friendly mixed-use center that includes an accessible and revitalized waterfront, active core, and enhanced design and landscaped setting; and
- (6) Ensure attractive, functional development, promote social and economic vitality, and foster safety, comfort, interest, and identification between people and the downtown.

**22C.080.020****Applicability and interpretations.**

## (1) Applicability.

(a) The guidelines set forth in the downtown master plan, as adopted by [Ordinance No. 2788](#), shall apply to new construction in the downtown MPA, as set forth in A.3 of the guidelines.

(b) The guidelines shall be legally required standards, which shall be applied by the city to development approvals and permits in the downtown MPA, as set forth in A.3 of the guidelines.

(c) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.

## (2) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas and downtown master plan. The city's community development director (hereinafter referred to as "director") retains full authority to determine whether a proposal meets these standards.

(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required," or words with their equivalent meaning, mean that the development proposal must comply with the standard unless the director finds that:

- (A) The standard is not applicable in the particular instance; or
- (B) The development proposal meets the intent of the standards in some

other manner.

(ii) The word "should," or words with its equivalent meaning, mean that the development proposal will comply with the standard unless the director finds that:

- (A) The standard is not applicable in the particular instance;
- (B) The development proposal meets the intent of the standards in some

other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow," or words with their equivalent meaning, mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

**Chapter 22C.090****RESIDENTIAL DENSITY INCENTIVES****Sections:**

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**22C.090.010****Purpose.**

The purpose of this chapter is to provide density incentives to developers of residential lands in exchange for public benefits to help achieve comprehensive plan goals of creation of quality places and livable neighborhoods, affordable housing, open space protection, historic preservation, energy conservation, and environmentally responsible design by:

- (1) Defining in quantified terms the public benefits that can be used to earn density incentives;
- (2) Providing rules and formulae for computing density incentives earned by each benefit;
- (3) Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- (4) Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

**22C.090.020****Permitted locations of residential density incentives.**

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

- (1) In R-12 through R-28 zones;
- (2) Planned residential developments;
- (3) In MU, CB, GC and DC zones; and
- (4) SF, MF, and MU zones within the Whiskey Ridge master plan.

**22C.090.030****Public benefits and density incentives.**

- (1) The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in [subsection \(5\)](#) of this section. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided. Where a range is specified, the earned credit will be determined by the community development director during project review.
- (2) Bonus dwelling units may be earned through any combination of the listed public benefits.
- (3) Residential development in R-12 through R-28 zones with property-specific development standards requiring any public benefit enumerated in this chapter shall be eligible to earn bonus dwelling units as set forth in [subsection \(5\)](#) of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.
- (4) The guidelines for affordable housing bonuses, including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the community development department. The update shall occur no later than June 30th of each year.
- (5) The following are the public benefits eligible to earn density incentives through RDI review:

Benefit	Density Incentive
1. Affordable Housing a. Benefit units consisting of rental housing permanently priced to serve nonelderly low-income households (i.e., no greater than 30 percent of gross income for household at or below 50 percent of Snohomish County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city shall be	1.5 bonus units per benefit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.

recorded at final approval.	
b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for one- or two-person households, one member of which is 62 years of age or older, with incomes at or below 50 percent of Snohomish County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to the city of Marysville shall be recorded at final approval.	1.5 bonus units per benefit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.
c. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home that has been or will be displaced due to closure of a mobile home park located in the city of Marysville.	1.0 bonus unit per benefit unit.
2. Public Facilities (Schools, Public Buildings or Offices, Trails and Active Parks) a. Dedication of public facilities site or trail right-of-way meeting city of Marysville or agency location and size standards for the proposed facility type.	10 bonus units per usable acre of public facility land or quarter-mile of trail exceeding the minimum requirements outlined in other sections of this title.
b. Improvement of dedicated public facility site to city of Marysville standards for the proposed facility type.	2 – 10 (range dependent on facility improvements) bonus units per acre of improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated trail segment to city of Marysville standards.	1.8 bonus units per quarter-mile of trail constructed to city standard for pedestrian trails; or 2.5 bonus units per quarter-mile of trail constructed to city standard for multipurpose trails (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
d. Dedication of open space, meeting city of Marysville acquisition standards, to the city, county or a qualified public or private organization such as a nature conservancy.	2 bonus units per acre of open space.
3. Community Image and Identity a. Installation and/or dedication of an identified city gateway (per city of Marysville gateways master plan).	5 bonus units per "medium scale – cantilevered" gateway installation (final design, landscaping and signage). 6 bonus units per "large scale – horizontal" gateway installation (final design, landscaping and signage). 10 bonus units per "informational reader board" gateway installation (final design, landscaping and signage). 10 bonus units per civic space gateway (Comeford Park) improvement (final design, landscaping and signage). 5 bonus units per large gateway improvement (final design, landscaping and signage).
4. Historic Preservation a. Dedication of a site containing an historic landmark to the city of Marysville or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation.	0.5 bonus unit per acre of historic site.

b. Restoration of a site or structure designated as an historic landmark.	0.5 bonus unit per acre of site or 1,000 square feet of floor area of building restored.
5. Locational/Mixed Use a. Developments located within a quarter-mile of transit routes, and within one mile of fire and police stations, medical, shopping, and other community services.	5 percent increase above the base density of the zone.
b. Mixed use developments over one acre in size having a combination of commercial and residential uses.	10 percent increase above the base density of the zone.
6. Storm Drainage Facilities Dual use retention/detention facilities a. Developments that incorporate active recreation facilities that utilize the storm water facility tract.	5 bonus units per acre of the storm water facility tract used for active recreation.
b. Developments that incorporate passive recreation facilities that utilize the storm water facility tract.	2 bonus units per acre of the storm water facility tract used for passive recreation.
7. Project Design a. Preservation of substantial overstory vegetation (not included within a required NGPA). No increase in permitted density shall be permitted for sites that have been cleared of evergreen trees within two years prior to the date of application for PRD approval. Density increases granted which were based upon preservation of existing trees shall be forfeited if such trees are removed between the time of preliminary and final approval and issuance of building permits.	5 percent increase above the base density of the zone.
b. Retention or creation of a perimeter buffer, composed of existing trees and vegetation, additional plantings, and/or installation of fencing or landscaping, in order to improve design or compatibility between neighboring land uses.	1 bonus unit per 500 lineal feet of perimeter buffer retained, enhanced or created (when not otherwise required by city code).
c. Project area assembly involving 20 acres or more, incorporating a mixture of housing types (detached/attached) and densities.	10 percent increase above the base density of the zone.
d. Private park and open space facilities integrated into project design.	5 bonus units per improved acre of park and open space area. Ongoing facility maintenance provisions are required as part of RDI approval.
8. Energy Conservation a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units qualifying as Energy Star homes per Washington State Energy Code, as amended.	0.10 bonus unit per benefit unit that achieves the required savings.
9. Low Impact Development (LID) a. Integration of LID measures in project design and storm water facility construction.	5 – 10 percent increase over base density (range dependent on degree of LID integration in project design and construction).
10. Pedestrian Connections and Walkability a. Construction of an identified pedestrian/bicycle deficiency (per city of Marysville improvement plan). Improvements may consist of paved shoulder, sidewalk or detached path or walkway depending on adjoining conditions.	1 bonus unit per 75 lineal feet of frontage improvement (curb, gutter, sidewalks) on minor arterial streets. (Fee in lieu of improvement at \$15,000 per bonus unit.) 1 bonus unit per 100 lineal feet of frontage improvement (curb, gutter, sidewalks) on neighborhood collector or collector arterial streets. 1 bonus unit per 300 lineal feet of walkway improvement (7-foot paved shoulder or walkway). (Rate may be increased if additional right-of-way is required.)

**22C.090.040 Density bonus recreation features.**

- (1) Active recreation features qualifying for a density bonus shall include one or more of the following:
  - (a) Multipurpose sport court;
  - (b) Basketball court;
  - (c) Tennis court;
  - (d) Tot lot with play equipment (soft surface);
  - (e) Any other active recreation use approved by the director.
- (2) Passive recreation qualifying for density bonus shall include one or more of the following:
  - (a) Open play areas;
  - (b) Pedestrian or bicycle paths;
  - (c) Picnic areas with tables and benches;
  - (d) Gazebos, benches and other resident gathering areas;
  - (e) Community gardens;
  - (f) Nature interpretive areas;
  - (g) Waterfalls, fountains, streams;
  - (h) Any other passive recreation use approved by the director.
- (3) Design in ponds as dual use storm water retention/detention and/or recreation facilities.
  - (a) The facility should be designed with emphasis as a recreation area, not a storm water control structure. The majority of the storm water retention/detention tract shall be designed as usable open recreation area.
  - (b) Control structures shall not be prominently placed. Care should be taken to blend them into the perimeter of the recreation area.
  - (c) Ponds used as recreation areas shall have a curvilinear design with a shallow water safety bench.

**22C.090.050 Rules for calculating total permitted dwelling units.**

The total dwelling units permitted through RDI review shall be calculated using the following steps:

- (1) Calculate the number of dwellings permitted by the base density of the site in accordance with [Chapter\(s\) 22C.010 and 22C.020 MMC](#);
- (2) Calculate the total number of bonus dwelling units earned by providing the public benefits listed in [MMC 22C.090.030\(5\)](#);
- (3) Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;
- (4) Round fractional dwelling units down to the nearest whole number; and
- (5) On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zone in the same manner set forth for base units in [Section\(s\) 22C.010.230 and 22C.020.200 MMC](#).

**22C.090.060 Review process.**

- (1) All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:
  - (a) For the purpose of this section, a primary proposal is defined as a proposed rezone, conditional use permit or commercial building permit;
  - (b) When the primary proposal requires a public hearing, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;
  - (c) When the primary proposal does not require a public hearing under this title, the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in [MMC 22G.010.410](#) and to the procedures set forth for community development director review in this title; and
  - (d) The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.
- (2) RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization. The city of Marysville shall also approve all proposals prior to granting density incentives

to the project. The proposal must meet the intent of the RDI chapter and be consistent with the city of Marysville comprehensive plan.

**22C.090.070 Minor adjustments in final site plans.**

When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

- (1) Increase the number of dwelling units;
- (2) Decrease the amount of perimeter landscaping (if any);
- (3) Decrease residential parking facilities (unless the number of dwelling units is decreased);
- (4) Locate structures closer to any site boundary line; or
- (5) Change the locations of any points of ingress and egress to the site.

**22C.090.080 Applicability of development standards.**

- (1) RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development.
- (2) RDI developments in the R-12 through R-28 zones and the mixed use zone shall be landscaped in accordance with [Chapter 22C.120 MMC](#).
- (3) RDI developments shall provide parking as follows:
  - (a) Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The community development director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.
  - (b) All other RDI proposals shall provide parking consistent with [Chapter 22C.130 MMC](#).
- (4) RDI developments shall provide on-site recreation space at the levels required in Sections(s) [22C.010.320](#) and [22C.020.270 MMC](#).



**Chapter 22C.100****NONCONFORMING SITUATIONS****Sections:**

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**22C.100.010****Purpose.**

Nonconforming structures and nonconforming uses, as defined in this chapter, shall be allowed to continue in existence, and to be repaired, maintained, remodeled, expanded and intensified, but only to the extent expressly allowed by the provisions of this chapter. It is the purpose of the city to ultimately have all structures and uses brought into conformity with the land use codes and regulations duly adopted by the city, as the same may be amended from time to time. Nonconforming structures and uses should be phased out or brought into conformity as completely and as speedily as possible with due regard to the special interests and property rights of those concerned.

**22C.100.020****Nonconformance – Applicability.**

- (1) All nonconformances shall be subject to the provisions of this chapter.
- (2) The provisions of this chapter do not supersede or relieve a property owner from compliance with:
  - (a) The requirements of the Uniform Building and Fire Codes; or
  - (b) The provisions of this code beyond the specific nonconformance addressed by this chapter.

**22C.100.030****Nonconforming structures.**

A nonconforming structure is one which was in compliance with all land use codes and regulations at the time it was constructed, but which violates the bulk or dimensional requirements of the current land use codes and regulations of the city.

- (1) Nonconforming structures may be repaired and maintained. The interior of said structures may be restored, remodeled and improved to the extent of not more than 25 percent of the assessed value of the structure in any consecutive period of 12 months.
- (2) The exterior dimensions of a nonconforming structure may be enlarged by up to 100 percent of the floor area existing at the effective date of the nonconformance; provided, that the degree of nonconformance shall not be increased, and the then-current bulk and dimensional requirements of the zone in which it is located shall be observed with respect to the new portion of the building.
- (3) A nonconforming structure which is voluntarily or accidentally destroyed, demolished or damaged, or allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure, may be restored and rebuilt only if the structure, in its entirety, is brought into conformity with the then-current bulk and dimensional requirements of the zone in which it is located; provided, that a single-family residence with nonconforming status in a residential zone may be restored and rebuilt to any extent as long as it does not increase the preexisting degree of nonconformance; provided, a single-family residence with nonconforming status in zones other than residential may be restored and rebuilt to any extent on the original footprint of the structure's foundation so long as it does not increase the preexisting degree of nonconformance, upon obtaining a conditional use permit pursuant to this chapter.
- (4) When a structure or a portion thereof is moved to a new location, it must be made to conform to all then-current land use restrictions applicable to the new location.
- (5) Nonconforming structures shall not be exempt from compliance with all current codes and regulations relating to storm drainage, landscaping, off-site traffic mitigation and frontage improvements including curbs, gutters and sidewalks.

**22C.100.040****Nonconforming uses.**

A nonconforming use is any use of land or of a structure which was legal at the time of its establishment but which violates the land use provisions of the current codes and regulations of the city, including those relating to zoning districts, density, access and off-street parking.

(1) A nonconforming use loses its status, and must be discontinued, if the structure in which it is located is voluntarily or accidentally destroyed, demolished or damaged, or is allowed to deteriorate, to the extent where restoration costs would exceed 75 percent of the assessed value of the structure. Provided, all nonconforming residential structures which are allowed to be restored and rebuilt as described in [MMC 22C.100.030\(3\)](#), shall be allowed to continue the residential use thereof.

(2) A nonconforming use cannot be changed to a fundamentally different use unless it is brought into complete conformity with the current codes and regulations. An increase in volume or intensity of a nonconforming use is permissible, however, where the nature and character of the use is unchanged and substantially the same facilities are used. The test is whether the intensified use is different in kind from the nonconforming use in existence at the effective date of the nonconformance.

(3) A nonconforming use may be expanded upon the granting of a conditional use permit as provided in this chapter; provided, that such expansion of a nonconforming use shall not increase the land area devoted to the nonconforming use by more than 150 percent of that in use at the effective date of the nonconformance.

(4) Use established in part but not all of a building at the effective date of the nonconformance may expand within said building by up to 100 percent of the preexisting floor area dedicated to said use upon obtaining a conditional use permit as provided in this chapter. Unlimited expansion within the building shall be permissible upon obtaining a conditional use permit if the original design of the building indicates that it was intended to be ultimately dedicated, in its entirety, to the use in question.

#### **22C.100.050 Discontinuance or abandonment.**

(1) Any nonconforming structure which has been unoccupied for a period of 24 consecutive months, or more, shall lose its nonconforming status and shall not be reoccupied unless and until it is brought into conformity with the current bulk and dimensional requirements of the city codes.

(2) If a nonconforming use is discontinued or abandoned for a period of 12 consecutive months or more, the nonconforming status of the use is terminated, and any future use of the land or structure shall be in conformity with the then-current requirements of the city's land use codes. The mere presence of a structure, equipment or material shall not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment or material is actually being occupied or employed in maintaining such use.

#### **22C.100.060 Conditional uses.**

The department shall have authority to grant conditional use permits referred to in this chapter. The procedures used by the department shall comply with [Chapter 22G.010 MMC Article V – Code Compliance and Director Review Procedures](#). The department shall apply the following criteria:

(1) A nonconforming use or structure should not result in a lack of compatibility with existing and potential uses in the immediate area.

(2) Adverse impacts of a nonconforming use or structure must be mitigated by site design elements such as landscaping, provision for parking, elimination of outside storage, and general visual improvement of the property.

(3) Adequate provisions must be made for public improvements such as sewer, water, drainage, pedestrian circulation and vehicle circulation, both on-site and off-site.

(4) Concerns of adjacent property owners and the general public must be properly considered.

**Chapter 22C.110****TEMPORARY USES****Sections:**

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**22C.110.010****Purpose.**

## (1) General.

The purpose of this Chapter is to establish standards for the approval of four types of temporary use:

- (a) Use that is seasonal or directed toward a special event;
- (b) Use which is occasioned by an unforeseen event;
- (c) Sales offices and model homes in conjunction with the sale of homes; and
- (d) Dwellings and structures

## (2) Respect for base zoning districts.

It is not the intent of this Chapter to provide a means to circumvent the strict application of the permitted uses in the base zoning districts. Time limits are to be strictly enforced.

## (3) Location.

All temporary uses addressed in this section shall be located on private property, not in public right-of-way.

**22C.110.020****Type of Temporary uses.**

## (1) Seasonal or special events. Examples of this type of temporary use include:

(a) Use associated with the celebration of a specific holiday such as the sale of Christmas trees. Firework stands require a permit in accordance with [Chapter 9.20 MMC](#), but do not require temporary use approval pursuant to this chapter.

- (b) Outdoor art and craft shows and exhibits;
- (c) Use associated with the sale of fresh fruits, produce and flowers;
- (d) Use associated with festivals, grand openings or celebrations;
- (e) Seasonal activities such as the sale of food at sports events and activities;
- (f) Mobile services such as veterinary services for purposes of giving shots;
- (g) Group retail sales such as swap meets, flea markets, parking lot sales (excluding automobile sales), Saturday Market, auctions, etc.
- (h) Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided in [subsection \(3\)](#) of the section; and
- (i) Temporary fund-raising and other civic activities in commercial or industrial zoning districts.

## (2) Unforeseen/emergency situations.

This type of temporary use is one for which there is a need because of an unforeseen event such as fire, windstorm or flood. The uses listed are allowed only with approved from the community development director. Examples of this type of temporary use include:

- (a) A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone;
- (b) A mobile office or other temporary structure for a business purpose in a commercial or industrial zone; and
- (c) Use of an existing legally established dwelling during the construction period of a new residence on the same lot.

## (3) Temporary sales office/model or display home.

(a) A temporary real estate sales office located in a model or display home is allowed subject to the following conditions:

- (i) If situated in a residential zone, the office may only be used for sale activities related to the subdivision in which it is located;
- (ii) If situated in a commercial zone, the office may only be used for sales related to the model or display home itself.

(b) Until December 31, 2011, a temporary real estate office may be located in a temporary structure erected on an existing lot within a residential subdivision subject to the following conditions:

- (i) The temporary real estate office may be used only for sale activities related to the subdivision in which it is located;
- (ii) The temporary real estate office has access to an Americans with Disabilities Act (ADA) accessible restroom located in or adjacent to said office;
- (iii) ADA accessibility is provided to the temporary unit. General site, accessible routes and building elements shall comply with ICC/ANSI A117.1-2003 or current edition;
- (iv) The temporary real estate office shall meet all applicable building and fire codes, or shall be immediately removed;
- (v) The temporary real estate office shall be removed immediately upon the sale of the last lot within the subdivision or December 31, 2011, whichever occurs first.

(4) Temporary dwellings and structures.

The following temporary dwellings and structures shall be allowed:

(a) A temporary dwelling for use as a residence by the owners of a lot during construction of a permanent residential structure on the lot. The temporary building need not comply with the requirements of the Uniform Building Code, but shall meet minimum health and safety standards prescribed by the building official. It shall be removed from the real estate upon completion of the permanent residential structure or after one year, whichever occurs first.

(b) A temporary structure for use by a contractor as a construction shed or office while building or remodeling a permanent structure on the same lot. The temporary structure shall not be open to the public. It need not comply with the requirements of the Uniform Building Code, but shall meet health and safety standards prescribed by the building official. It shall be removed from the lot upon completion of the permanent structure or after one year, whichever occurs first.

(c) A temporary structure erected on public property for special occasions such as parades, festivals or other public events; and temporary structures erected on public property to meet extraordinary needs of a public entity which affect the public health, safety or welfare. Such structures need not comply with the requirements of the Uniform Building Code, but shall meet minimum health and safety standards prescribed by the building official. They shall be removed at the conclusion of the special event or upon termination of the extraordinary public need.

(d) Temporary dwelling upon the same, or if necessary, contiguous lot (which for this purpose shall become a part of the principal lot) as the principal dwelling for use by only a relative by blood or marriage of the occupants of the principal dwelling, where such relative is to receive from, or administer to, the principal dwelling occupant continuous care and assistance necessitated by advanced age or infirmity, subject to the following minimum conditions:

(i) The permit shall not be granted where other provisions of city ordinance provide a reasonable alternative for meeting the need for the dwelling;

(ii) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;

(iii) The temporary dwelling shall be occupied by not more than two persons;

(iv) Use as a commercial residence is prohibited;

(v) The temporary dwelling shall be situated not less than 20 feet from the principal dwelling on the same lot and shall not be located in any required yard of the principal dwelling;

(vi) A current vehicular license plate, if applicable, shall be maintained during the period of time the temporary unit is situated on the premises;

(vii) Adequate screening, landscaping or other measures shall be provided to protect surrounding property values and ensure compatibility with the immediate neighborhood;

(viii) An annual building or mobile home permit renewal for the temporary dwelling shall be required, at which time the property owner shall certify, on a form provided by the community development department, to the continuing need for the temporary dwelling and, in writing, agree that such use of the property shall terminate at such time as the need no longer exists.

#### **22C.110.030 Permit required.**

Except as provided by [MMC 22C.110.040](#), a temporary use permit shall be required for all temporary uses listed in [MMC 22C.110.020](#).

**22C.110.040 Exemptions.**

The following activities are exempt from requirements to obtain temporary use permit approval:

- (1) Uses subject to the special events provisions of Ordinance No. 2099, , when the use does not exceed a total of fourteen (14) days each calendar year, whether at the same location in the city or at different locations.
- (2) Community festivals, amusement rides, carnivals, or circuses, , when the use does not exceed a total of fourteen (14) days each calendar year, whether at the same location in the city or at different locations.
- (3) Fireworks stands, subject to the provisions of [Chapter 9.20 MMC](#).
- (4) Garage sales. Garage sales shall have no more than two (2) sales per year and no such sale shall continue more than six (6) days within a fifteen (15) day period.
- (5) Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.
- (6) Home occupations in conformance with [Chapter 22C.190 MMC](#);
- (7) Fund raising car washes. The fund raising coordinator is required to obtain a clean water car wash kit from the Public Works department in order to prevent water from entering the public storm sewer system.
- (8) Any use not exceeding a cumulative total of two (2) days each calendar year.

**22C.110.050 Decision Criteria.**

- (1) The community development director, or designee, may authorize temporary uses after consultation and coordination with all other applicable City departments and other agencies and only when all the following determinations can be made:
  - (a) The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.
  - (b) The temporary use will be compatible with uses in the general vicinity and on adjacent properties.
  - (c) The temporary use will not significantly impact public health, safety or welfare, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.
  - (d) The use and associated structures will be conducted and used in a manner compatible with the surrounding area.
  - (e) The use shall comply with the goals, policies and standards of the Unified Development Code.
- (2) General Conditions.
  - (a) A temporary use conducted in a parking facility shall not occupy or remove from availability more than twenty-five (25) percent of the spaces required for the permanent use.
  - (b) Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers. Such parking need not comply with [Chapter 22C.130 MMC](#), but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
  - (c) The applicant for a proposed temporary use shall provide any parking/traffic control attendants as specified by the city of Marysville.
  - (d) The temporary use shall comply with all applicable standards of the Snohomish Health District.
  - (e) No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.
  - (f) The temporary use permit shall be effective for no more than one-hundred eighty (180) days from the date of the first event or occurrence.
  - (g) No temporary use shall occupy or operate within the City of Marysville for more than sixty (60) days within any calendar year, unless otherwise restricted in this chapter. The sixty (60) days need not run consecutively. The sixty (60) days may occur at any time within the one-hundred eighty (180) day term of the temporary use permit as long as each day is designated and approved.
  - (h) Parking lot sales (excluding automobile sales), shall not exceed a total of fourteen (14) days each calendar year. The fourteen (14) days need not run consecutively. The fourteen (14) days may occur at any time within the one-hundred eighty (180) day term of the temporary use permit as long as each day is designated and approved.

(i) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

(j) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year; provided, that a temporary use permit may be granted for multiple events during the approval period.

(k) All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Marysville permits, licenses and other approvals (i.e. business license, building permit, administrative approvals, etc.)

(l) The applicant for a temporary use shall supply written authorization from the owner of the property on which the temporary use is located.

(m) Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

(n) All materials, structures and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the temporary use may be left on site overnight between consecutive days of operation.

(o) The community development director, or designee, may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

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**22C.120.010****Purpose.**

The City of Marysville recognizes the aesthetic, ecological and economic value of landscaping and requires its use to:

- (1) Promote the distinct character and quality of life and development expected by the community as indicated and supported in the policies of the comprehensive plan;
- (2) Maintain and protect property values;
- (3) Enhance the visual appearance of the City;
- (4) Enhance the compatibility of new development with surrounding properties;
- (5) Provide visual relief from large expanses of parking areas and reduction of perceived building scale;
- (6) Provide physical separation between residential and nonresidential areas;
- (7) Provide visual screens and barriers as a transition between differing land uses;
- (8) Preserve and enhance Marysville's urban forest;
- (9) Preserve and enhance existing vegetation and significant trees by incorporating them into the site design; and
- (10) Reduce stormwater runoff pollution, temperature and volume

**22C.120.020****Application.**

All new commercial, industrial, and multiple-family development, substantial improvements, or changes in occupancy shall be subject to the provisions of this chapter. For the purpose of this chapter, a substantial improvement means any, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the modification or addition is started; provided, that specific landscaping provisions for uses established through a conditional use permit shall be determined during the applicable review process.

**22C.120.030****Plan Submittal Requirements.**

Landscape plans are not required for houses and duplexes. For all other types of development landscape plans shall:

- (1) Be submitted at the time of application for a development permit; and
- (2) Include the following elements:
  - (a) The footprint of all structures.
  - (b) The final site grading.
  - (c) All parking areas and driveways.
  - (d) All sidewalks, pedestrian walkways and other pedestrian areas.
  - (e) The location, height and materials for all fences and walls.

- (f) The common and scientific names of all plant materials used, along with their size at time of planting.
- (g) The location of all existing and proposed plant materials on the site.
- (h) A proposed irrigation plan; and
- (i) Location of all overhead utility and communication lines, location of all driveways and street signs.

**22C.120.040 Irrigation Requirement.**

All landscaped areas shall be provided with an irrigation system or a readily available water supply with at least one (1) outlet located within fifty (50) feet of all plant material.

**22C.120.050 Water Conservation Standards.**

(1) Water conservation standards.

(a) Applicability. In order to ensure efficient water use in landscaped areas, the following standards shall be applied to all landscaping associated with office, commercial, industrial, institutional, parks and greenways, multiple family residential projects, and commonly-owned and/or maintained areas of single family residential projects.

(b) Exemptions. These standards do not apply to landscaping in private areas of single-family projects. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established. All other requirements are applicable.

(c) Plant selection and use limitation.

(i) Turf, high-water-use plantings (e.g. annuals, container plants) and water features (e.g. fountains, pools) shall be considered high-water-uses and shall be limited to not more than forty (40) percent of the projects landscaped area if non-drought resistant grass is used, and no more than fifty (50) percent of the landscaped area if drought resistant grass is used.

(ii) Plants selected in all areas not identified for turf or high-water-use plantings shall be well suited to the climate, soils, and topographic conditions of the site, and shall be low water use plants once established.

(iii) Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.

(iv) No turf or high-water-use plants shall be allowed on slopes exceeding twenty-five (25) percent, except where other project water saving techniques can compensate for the increased runoff, and where the need for such slope planting is demonstrated.

(v) No turf or high-water-use plants shall be allowed in areas five (5) feet wide or less except public right-of-way planter strips.

(d) Newly landscaped areas should have soils amended with either four inches of appropriate organic material with the first two-inch layer tilled into existing soils, or as called for in a soil amendment plan for the landscape.

(e) Newly landscaped areas, except turf, should be covered and maintained with at least two inches of organic mulch to minimize evaporation.

(f) Irrigated turf on slopes with finished grades in excess of thirty-three percent is discouraged.

(g) Retention of existing trees and associated understory vegetation is encouraged to reduce impacts to the stormwater system and to reduce water use.

(2) Water efficient landscape (xeriscape) standards.

(a) As an alternative to traditional landscaping, the City encourages the use of xeriscape practices, which minimize the need for watering or irrigation. Xeriscape principles can be summarized as follows:

- (i) Using plants with low moisture requirements;
- (ii) Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture;
- (iii) Using native, non-invasive, adapted plant species;
- (iv) Minimizing the amount of irrigated turf;
- (v) Planting and designing slopes to minimize storm water runoff;
- (vi) Use of separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems;
- (vii) Using mulch in planted areas to control weeds, cool the soil and reduce evaporation; and



(viii) Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

(b) Appropriate plant species. Trees and plants used in xeriscape plantings pursuant to this Section shall:

- (i) Appropriate for the ecological setting in which they are to be planted;
- (ii) Have non-invasive growth habits;
- (iii) Encourage low maintenance and sustainable landscape design;
- (iv) Be commercially available;
- (v) Shall not be plant material that was collected in the wild; and
- (vi) Be consistent with the purpose and intent of this Section.

(c) Native vegetation. Within xeriscape areas, a minimum of 50% native plants shall be used.

(d) Prohibited species. The City shall maintain a list of prohibited species, which are invasive or noxious. Where such species already exist, their removal shall be a condition of development approval.

(e) Additional planting standards

(i) For xeriscape areas, soil samples shall be analyzed to determine what soil conditioning or soil amendment s should be used at the time of planting. Soil conditioning measures shall be adequate for the plant species selected.

(ii) Trees, shrubs, perennials, perennial grasses and groundcovers shall be located and spaced to accommodate their mature size on the site.

(f) Plant replacement. The developer shall maintain xeriscape plantings for a two-year period from the date of planting. Within the two-year period, the developer shall replace or otherwise guarantee any failed plantings:

- (i) Dead or dying trees or shrubs shall be replaced; and
- (ii) Plantings or perennials, perennial grasses or groundcovers shall be replanted

to maintain a maximum twenty (20) percent mortality rate from the date of planting.

(3) Stormwater. Applicants are encouraged to incorporate landscaping into the on-site stormwater treatment system to the greatest extent practicable.

#### **22C.120.060 Completion and Security for Performance and Maintenance.**

(1) All required landscaping shall be in place before certificates of occupancy are issued. If, due to weather conditions, it is not feasible to install required landscape improvements, a temporary certificate of occupancy may be issued after a performance bond, irrevocable letter of credit, or assignment of cash deposit has been posted in accordance with [Chapter 22G.040 MMC](#). Upon completion of the landscape improvements, the bond or device is released and a permanent certificate of occupancy issued; except a maintenance bond, irrevocable letter of credit, or assignment of cash deposit in accordance with [Chapter 22G.040 MMC](#) shall be required for a minimum duration of two growing seasons (March through October), as prescribed in subsection (2) of this section.

(2) A certificate of occupancy may be issued only after a maintenance bond, irrevocable letter of credit, or assignment of cash deposit has been posted in accordance with [Chapter 22G.040 MMC](#). This bond, irrevocable letter of credit, or assignment of cash deposit shall be held for a minimum duration of two growing seasons (March through October) to assure the full establishment of all plantings. After two growing seasons, if the plantings are fully established, the maintenance bond, irrevocable letter of credit, or assignment of cash deposit is released. If the plantings have not been fully established, the bond irrevocable letter of credit, or assignment of cash deposit shall be held for one additional growing season, then released or used to re-establish the plantings, whichever is appropriate.

(3) Projects requiring minor landscaping improvements, as determined by the community development director, shall submit a maintenance bond, irrevocable letter or credit, or assignment of cash deposit in an amount equal to the current cost of the landscaping work, for a minimum duration of one (1) year.

#### **22C.120.070 Berms and walls.**

Berms and walls for noise screening, may be required by the hearing examiner or community development director in accordance with recommendations from a qualified sound consultant.

**22C.120.080 Native trees.**

Where a site has substantial numbers of native trees, site development shall be sensitive to the preservation of such vegetation, including the root zone. Prior to any site work, any trees which have been identified for preservation shall be fenced at their drip lines.

**22C.120.090 Mixed use developments.**

Residential structures within a project, shall be buffered from commercial structures and adjoining parking lots by use of vegetation, landscaping, fencing, walls, berms or other similar methods which are deemed under the circumstances to create effective and aesthetically pleasing screens or buffers between such diverse land uses.

**22C.120.100 Modification due to site characteristics.**

Except where specifically prohibited by the hearing examiner, the community development department, concurrently with action on the final site plan, may waive or modify landscaping requirements abutting residentially designated property where abutting residential uses will not be adversely affected, and where existing physical improvements, physiographic features or imminent changes in abutting land uses will render full compliance with said requirements ineffective. If said requirements are waived, or width of the buffer reduced, the community development department shall establish the minimum side and rear yard building setbacks from residentially designated property.

**22C.120.110 Descriptions of screens and landscaping types.**

The following five basic types of landscaping are hereby established and are used as the basis for requirements set forth in Table 1.

(1) L1 - Opaque Screen. A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in administrative guidelines prepared by the community development department.

(2) L2 - Semi-Opaque Screen. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in administrative guidelines prepared by the community development department.

(3) L3 - Broken Screen. A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in administrative guidelines prepared by the community development department.

(4) L4 - Parking Area Landscaping. Landscaping that provides shade and visual relief while maintaining clear sight lines within parking areas. Planting areas should contain a mixture of evergreen and deciduous trees, shrubs and groundcover in planting islands or strips having an area of at least 75 square feet and narrow dimension of no less than five feet. Suggested planting patterns

which will achieve this standard are included in administrative guidelines prepared by the community development department.

(5) L5 - Retention/Detention Pond Landscaping. Landscaping that provides visual relief through a reduction in sight lines visible from a public right-of-way. Landscaping shall include all visible perimeter areas including side slopes and benches visible from said right-of-way. Planting areas must be a minimum of five feet in width along adjacent right-of-way and may incorporate no more than 30 percent deciduous plantings due to maintenance and pond performance constraints. Landscaped areas shall be on the exterior of any walls or fences; provided, that this requirement shall not apply to side slopes or benches within the fenced area. Suggested planting patterns that will achieve this standard are included in administrative guidelines prepared by the community development department.

The screening and landscaping requirements set forth in this section may be interpreted with some flexibility by the community development director in the enforcement of the standards. It is recognized that because of the wide variety of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, minor administrative deviations may be granted to allow less intensive screening, or requirements for more intensive screening may be imposed, whenever such deviations are more likely to satisfy the intent of this section.

#### **22C.120.120 Required landscape buffers.**

**Table 1**

<b>Proposed use</b>	<b>Adjacent use</b>	<b>Width of buffer</b>	<b>Type of buffer</b>
Commercial	Property designated single-family by the Marysville comprehensive plan.	20'	L1 (1)
Commercial	Property designated multiple-family by the Marysville comprehensive plan.	10'	L2 (1)
Commercial, industrial, multifamily and business park parking areas and drive aisles	Public right-of-way and private access roads 30 feet wide or greater.	10'	L3
Commercial, industrial, multifamily and business park parking areas and drive aisles	Public arterial right-of-way.	15'	L3
Residential	SR 9	See <a href="#">MMC 22C.120.150</a>	
Industrial and business parks	Property designated residential by the Marysville comprehensive plan.	25'	L1
Industrial, commercial and business park building and parking areas	I-5 or S.R. 9 right-of-way.	15'	L2
Apartment, townhouse, or group residence	Property designated single-family by the Marysville comprehensive plan.	10'	L1 (1)
Storm water management facility		5'	L5 (3)
Outside storage or waste area or above ground utility boxes		5'	L1 (2)
WCF and/or base station not in ROW	Property designated residential by the Marysville comprehensive plan or on property designated residential by the comprehensive plan.	10'	L1 (1)

(1) Plus a six-foot sight-obscuring fence or wall.

(2) Screening and impact abatement shall be provided in accordance with [MMC 22C.120.160](#).

(3) Screening of storm water facilities shall comply with the following design standards:

(a) All sides visible from a public right-of-way shall be screened;

(b) All sides located adjacent to a residentially zoned property shall be screened, unless it can be demonstrated that adequate screening exists;

(c) Screening shall be consistent with the Marysville Administrative Landscaping Guidelines; and

(d) Dual use retention/detention facilities designed with emphasis as a recreation area, not a storm water control structure, are exempt from the screening requirements.

**22C.120.130 Landscaping requirements for parking and outdoor display areas.**

(1) Parking areas or outdoor storage areas fronting on a street right-of-way shall provide a landscaped buffer, in accordance with [MMC 22C.120.120 Table 1](#), along the entire street frontage except for driveways; provided, that the plantings shall not obstruct the sight distance at street intersections.

(2) Additional plantings may be placed on street rights-of-way behind the sidewalk line if the property owner provides the city with a written release of liability for damages which may be incurred to the planting area from any public use or right-of-way.

(3) Planted areas next to pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level.

(4) Landscape plant material size, variety, color and texture within parking lots should be integrated with the overall site landscape design.

(3) Ten percent of the parking area, in addition to the required buffers above, shall be landscaped with Type D landscaping; provided, that:

(a) No parking stall shall be located more than 45 feet from a landscaped area;

(b) All landscaping must be located between parking stalls, between rows of stalls, or at the end of parking columns. The use of strips or islands as bioretention swales or cells is encouraged, subject to approval by the city engineer. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in the satisfaction of these requirements;

(c) All individual planting areas within parking lots shall be planted with at least one tree, be a minimum of eight feet in width and one hundred twenty square feet in size, and in addition to the required trees, shall be planted with a living groundcover;

(d) Parking lots containing less than 20 parking spaces need provide only perimeter screening to satisfy the 10 percent area requirements;

(e) All landscaped areas shall be protected from vehicle damage by a six-inch protective curbing. Wheel stops may be substituted when required to allow storm water to pass;

(f) A minimum of two-foot setback shall be provided for all trees and shrubs where vehicles overhang into planted areas.

(g) The landscaping requirements of this section may be modified if a development is located in an area where a special streetscape plan has been approved by the city.

**22C.120.140 Street Tree Requirements.**

(1) Purpose. To provide consistent street frontage character within the street right-of-way. The street tree standards also maintain and add to Marysville's tree canopy and enhance the overall appearance of commercial and neighborhood development. Trees are an integral aspect of the Marysville landscape and add to the livability of Marysville. They provide aesthetic and economic value to property owners and the community.

(2) Street Tree Implementation

(a) Street trees are required along all city streets and access easements.

(b) Street trees shall be planted between the curb and the walking path of the sidewalk.

Either five-foot by five-foot pits with tree grates or a continuous planting strip with groundcover that is at least five feet wide may be used. Where planting strips are not incorporated into the street design, street trees shall be located behind the sidewalk.

(c) Species of street trees shall be selected from the list of appropriate street trees outlined in the Administrative Landscaping Guidelines, prepared by the Community Development Director. Species of street trees not outlined in the Administrative Landscaping Guidelines, shall be approved by the Community Development Director.

(d) Street trees shall meet the most recent ANSI standards for a one and one-half inch (1 ½") caliper tree at the time of planting and shall be spaced in order to provide a continuous canopy coverage within ten years of planting.

(e) Street tree plantings shall consider the location of existing utilities, lighting and existing and proposed signs.

(f) If overhead power lines are present, street trees shall be limited to a mature height of twenty-five feet to avoid conflict with utility lines and maintenance crews.

(g) If a street has a uniform planting of street trees or a distinctive species within the right-of-way, then new street trees should match the planting pattern and species.

(h) Landscape areas between the curb and sidewalk shall be maintained or plant material chosen to maintain a clear view zone between three and eight feet from ground level.

(3) Where the community development director determines that it is not feasible and/or desirable to plant the required street trees, the applicant shall pay into the city tree fund an amount of money approximating the current market value of the trees, as well as labor costs for installation of said trees, that would otherwise be required. The city shall use the city tree fund for the purpose of acquiring, maintaining, and preserving wooded areas, and for planting and maintaining trees within the city.

(4) Maintenance. Street trees and other landscaping shall be maintained and irrigated by the adjacent property owner, unless otherwise approved by the Community Development Department.

## 22C.120.150

### SR 9 Fence and Landscaping Design Options

All residential zoned properties adjacent to Highway 9 shall integrate one of the following options along the property line abutting Highway 9:

(1) **Option 1:** 10' wide landscape buffer with fence. The following standards apply:

(a) Landscaping shall be placed between the fence and SR 9 to form a dense screen. The following standards apply:

(i) Property owners are encouraged to retain existing native and non-invasive vegetation to incorporate into the screen. Credit will be given for existing trees and shrubs depending on their size and screening (with regards to the amount of additional trees and shrubs that are needed).

(ii) The landscaping plan shall be prepared by a licensed landscape architect or Washington-certified Professional Horticulturalist.

(iii) Evergreen Trees. At least one row of evergreen trees shall be planted, minimum 8 feet in height and 10 feet maximum separation at time of planting. Permitted evergreen tree species are those with the ability to develop a minimum branching width of 8 feet within 5 years. Multiple tree species shall be integrated into the buffer design to promote long term health and provide visual interest.

(iv) Deciduous trees. Projects shall incorporate deciduous trees (vine maples are a desirable example) into the buffer to add seasonal variety and interest. Deciduous trees shall have a caliper of at least 1 inch at the time of planting.

(v) Shrubs shall be planted at a rate of one shrub per 20 square feet of landscaped area. At least 50 percent of the shrubs shall be evergreen. At least 25% of the shrubs should be deciduous to provide seasonal interest. Shrubs shall be at least 16 inches tall at planting and have a mature height between 3 and 4 feet.

(vi) Ground cover shall be planted and spaced to result in total coverage of the required landscape area within three years as follows:

(A) Four inch pots at 18-inches on-center.

(B) One-gallon or greater sized containers at 24-inches on-center.

(vii) New landscaping materials shall consist of drought-tolerant species that are native to the coastal region of the Pacific Northwest or non-invasive naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest.

(viii) Maintenance. A 2 year performance bond, irrevocable letter or credit, or assignment of cash deposit shall be posted, in accordance with [Chapter 22G.040 MMC](#), at the time of installation, to ensure the plants live and are maintained through two growing seasons.

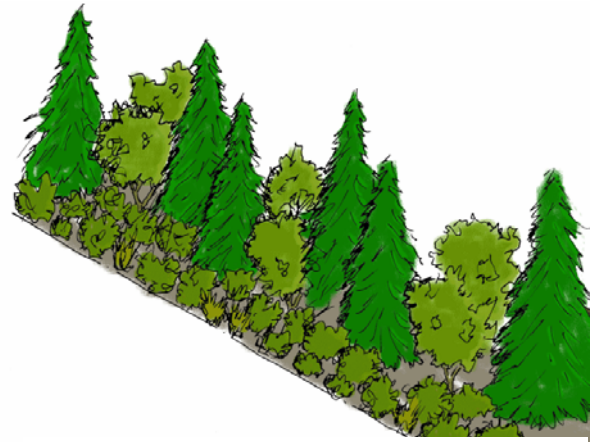
(b) Fence Standards:

(i) The fence shall be 8' high and constructed with durable materials.

(ii) All razor wire, barbed wire, electric wire, or chain link fences are prohibited

(iii) The fence shall be broken up to add variety in one of the following ways:

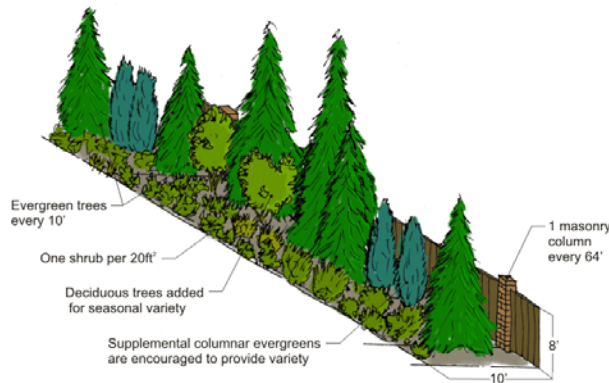
(A) A masonry column/post shall be incorporated along the fence every 64'. The column shall be 1' taller than the rest of the fence and a minimum of 1' wide.



*Buffer options emphasize landscaping elements over fencing.*

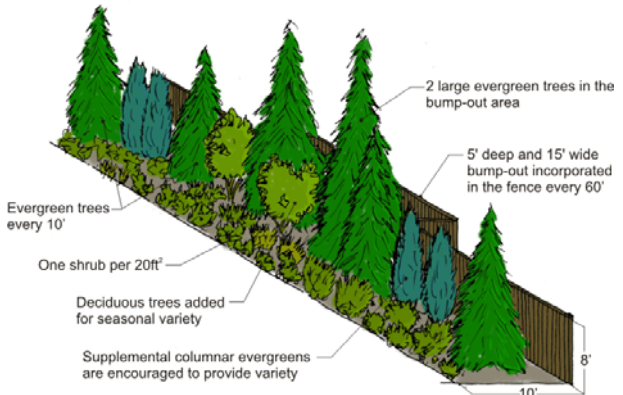
(B) A 5' deep and 15' wide setback shall be incorporated in the fence every 60'.

10 ft wide buffer with fence



*Fence option with masonry columns*

10 ft wide buffer with fence



*Fence option with 5' x 15' bump outs*

(2) **Options 2:** 20' wide landscaping buffer. The following standards apply:

(a) A dense vegetated screen shall be provided according to the following standards:

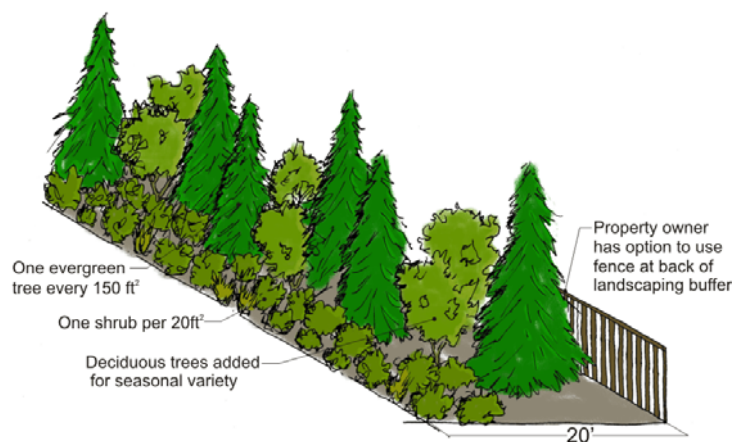
(i) Property owners are encouraged to retain existing native and non-invasive vegetation to incorporate into the screen. Credit will be given for existing trees and shrubs depending on their size and screening (with regards to the amount of additional trees and shrubs that are needed).

(ii) The landscaping plan shall be prepared by a licensed landscape architect or Washington-certified Professional Horticulturalist.

(iii) A minimum of one evergreen tree at least 8' tall at the time of planting for every 150 square feet arranged in a manner to obstruct views into the property. Permitted evergreen tree species are those with the ability to develop a minimum branching width of 8 feet within 5 years. Multiple tree species shall be integrated into the buffer design to promote long term health and provide visual interest.

(iv) Deciduous trees. Projects shall incorporate deciduous trees (vine maples are a desirable example) into the buffer to add seasonal variety and interest. Deciduous trees shall have a caliper of at least 1 inch at the time of planting.

20' wide buffer



*20' Landscape Buffer*

(v) Shrubs shall be planted at a rate of one shrub per 20 square feet of landscaped area. At least 50 percent of the shrubs shall be evergreen. At least 25% of the shrubs



should be deciduous to provide seasonal interest. Shrubs shall be at least 16 inches tall at planting and have a mature height between 3 and 4 feet.

(vi) Ground cover shall be planted and spaced to result in total coverage of the required landscape area within three years as follows:

(A) Four inch pots at 18-inches on-center.

(B) One-gallon or greater sized containers at 24-inches on-center.

(vii) New landscaping materials shall include drought-tolerant species native to the coastal region of the Pacific Northwest or non-invasive drought-tolerant naturalized species that have adapted to the climatic conditions of the coastal region of the Pacific Northwest.

(viii) Maintenance. A 2 year performance bond, irrevocable letter or credit, or assignment of cash deposit shall be posted, in accordance with [Chapter 22G.040 MMC](#), at the time of installation, to ensure the plants live and are maintained through two growing seasons.

(b) Fences are optional, but may not be placed within the landscape buffer.

(3) Exceptions. Exceptions to these screening standards may be made if the City finds the recommended alternative meets long term screening objectives. Specifically:

(a) The developer/owner may make arrangements with WSDOT to have a portion of the required buffer on WSDOT property (provided at least 10 feet of landscape buffer is retained on private property). The owner remains responsible for maintenance and irrigation of the entire buffer, even portions on WSDOT property.

(b) Under some circumstances, it may be desirable to leave portions of the highway unscreened. With City approval, the required trees may be grouped to provide views of desired amenities, such as parks or mountains.

(c) Other alternative screening methods will be considered by the City if the method provides a viable long term option to effectively screens the highway from development and adds visual interest from the highway corridor.

#### **22C.120.160 Screening and Impact Abatement**

Screening and impact abatement is required where necessary to reduce the impact of service, storage, loading and trash areas.

(1) All garbage collection, dumpsters, recycling areas, loading and outdoor storage or activity areas (including but not limited to areas used to store raw materials, finished and partially finished products and wastes) shall be screened from view of persons on adjacent properties and properties that are located across a street or alley. Screening may be accomplished by any one of the following techniques or their equivalent:

(a) A five-foot wide L1 visual screen;

(b) A six-foot high solid masonry wall or sight-obscuring fence five feet inside the property line with an L2 buffer between the fence and the property line; and

(c) Storage areas are not allowed within fifteen feet of a street lot line.

#### **22C.120.170 Landscaping – Soil amendment.**

All landscaped and lawn areas, except areas within the dripline of preserved trees, shall be amended with four inches of well-composted organic matter mixed into the top eight inches of soil or shall have an organic content of between eight and 13 percent dry weight and a pH suitable for proposed plantings. Deeper soil amendment will provide improved growing medium and increased water holding capacity.

#### **22C.120.180 Landscaping – Maintenance.**

(1) All landscaped areas and plants required by this chapter must be permanently maintained in a healthy growing condition in order to accomplish the purpose for which it was required.

(2) Dead or diseased plants must be replaced within 30 days of notification, or as soon as practical in regard to freezing weather, or complex situations involving the removal and replacement of large trees.

(3) All landscaped areas must be kept free of debris and weeds.

(4) Plant material must not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard.

(5) Planted areas next to pedestrian walkways and sidewalks shall be maintained or plant material chosen to maintain a clear zone between three and eight feet from ground level.

(6) The owners, their agents and assigns, are responsible for providing, protecting, and maintaining all landscaping material in a healthy and growing condition, replacing it when necessary, and keeping it free of refuse and debris.

(7) All fencing, walls and other features used for screening purposes shall be kept free of litter, debris, and weeds.

**22C.120.190 Landscaping – Alternative options.**

The following alternative landscape options may be allowed only if they accomplish equal or better levels of screening and are subject to city approval:

(1) When the total area for required landscaping, and that within the dripline of retained trees exceeds 15 percent of the area of the site, the landscaping requirement may be reduced so that the total required landscape and tree retention area will not exceed 15 percent of site area;

(2) The width of the perimeter landscape strip may be reduced up to 25 percent along any portion where:

(a) berms at least three feet in height or architectural barriers at least six feet in height are incorporated into the landscape design; and

(b) the landscape materials are incorporated elsewhere on-site;

(3) When an existing structure precludes installation of the total amount of required site perimeter landscaping, such landscaping material shall be incorporated on another portion of the site;

(4) The width of any required perimeter landscaping may be averaged, provided the minimum width is not less than five feet;

(5) The width of the perimeter landscaping may be reduced up to 10 percent when a development retains 10 percent of significant trees or 10 significant trees per acre on site, whichever is greater;

(6) The landscaping requirement may be modified when existing conditions on or adjacent to the site, such as significant topographic differences, vegetation, structures or utilities would render application of this chapter ineffective or result in scenic view obstruction;

(7) Street perimeter landscaping may be waived provided a site plan is approved that provides a significant amount of street trees and other pedestrian-related amenities.



**Chapter 22C.130****PARKING AND LOADING****Sections:**

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**22C.130.010****Introduction.**

This chapter establishes the standards for the amount, location and development of off-street motor vehicle parking, standards for bicycle parking and standards for on-site loading areas. Other titles of the city code may regulate other aspects of parking and loading.

**22C.130.020****General Standards.****(1) Where the Standards Apply.**

Every building hereafter constructed, reconstructed, expanded or occupied, or use of property hereafter established or modified shall be provided with off-street parking as provided in this chapter, and such parking areas shall be made permanently available and maintained for parking purposes. No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter.

**(2) Occupancy.**

All required parking areas must be completed and landscaped prior to occupancy of any structure.

**(3) Calculations of Amounts of Required and Allowed Parking.**

(a) When computing parking spaces based on floor area, floor area dedicated for parking is not counted.

(b) The number of parking spaces is computed based on the uses on the site. When there is more than one use on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual uses. Parking for shopping centers shall be calculated in accordance with [MMC 22C.130.030 Table 1 – Minimum Required Parking Spaces](#). For joint parking see [MMC 22C.130.030\(2\)\(d\)](#).

**(4) Use of Required Parking Spaces.**

Required parking spaces must be available for the use of residents, customers or employees for the use. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces must be made available to employees; it cannot be restricted only to customers. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

**(5) Proximity of Parking to Use.**

(a) Parking for one and two-family dwellings shall be provided on the same lot as the dwelling unit it is required to serve.

(b) Parking for multiple-family dwellings shall be not over 100 feet from the building it serves.

(c) Parking for uses not specified above shall not be over 500 feet from the building it serves.

(d) All off-street parking spaces for nonresidential uses shall be located on land zoned in a manner which would allow the particular use the parking will serve.

(e) If the parking for a building or use is located on a lot other than the lot upon which the use for which the parking is required is located, the owner of the lot containing the parking shall execute a covenant in a form acceptable to the city attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The owner of the property upon which the main use is located shall record this covenant with the Snohomish County auditor's office to run with the properties on which both the principal use and the off-street parking are located. The owner shall provide a copy of the recorded covenant to the Community Development Department.

**(6) Stacked Parking.**

Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. All parking and loading area development standards continue to apply for stacked parking.

(7) Ingress and egress provisions.

Curb cuts and access restrictions are regulated by the Marysville Engineering Design and Development Standards (EDDS). Access driveways for parking areas shall be located so as to cause the least possible conflict with vehicular and pedestrian traffic on public rights-of-way. The Public Works Director shall have authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control traffic in the interest of public safety and general welfare. The city engineer may require joint use of driveways by more than one property.

### **22C.130.030 Minimum Required Parking Spaces**

(1) Purpose.

The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses, which might locate at the site over time. As provided in [MMC 22C.130.030\(2\)\(e\)](#), bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to specific land use categories. Provision of carpool parking, and locating it closest to the building entrance, will encourage carpool use.

(2) Minimum Number of Parking Spaces Required.

(a) The minimum number of parking spaces for all zones and use categories is stated in Table 1.

(b) If the parking formula used to determine parking requirements results in a fractional number greater than or equal to one-half, the proponent shall provide parking equal to the next highest whole number.

(c) Changes in occupancy. Whenever the occupancy classification of a building is changed, the minimum standards for off-street parking for the new occupancy classification shall be applicable; provided, that if the existing occupancy had established a legal nonconforming status with respect to off-street parking requirements, no additional off-street parking shall be required for the new occupancy unless said new occupancy is in a classification requiring more parking than that which would have been required for the existing occupancy if it had been subject to the provisions of this chapter. If strict application of this section is not feasible due to existing site conditions such as building or parcel size, shape or layout a variance may be granted by the Community Development Director.

(d) Joint Use Parking.

Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the Community Development Department as part of a building or land use permit application, and approved by the Community Development Director:

(i) The names and addresses of the uses and of the owners or tenants that are sharing the parking.

(ii) The location and number of parking spaces that are being shared.

(iii) An analysis showing that the peak parking times for the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

(iv) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

(e) Bicycle parking may substitute for up to ten percent (10%) of required parking. For every five (5) non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one (1) space. Existing parking may be converted to take advantage of this provision.

(f) The off-street parking and loading requirements of this chapter do not apply retroactively to established uses; however:

(i) The site to which a building is relocated must provide the required spaces; and

(ii) A person increasing the floor area, or other measure of off-street parking and loading requirements, by addition or alteration, must provide spaces as required for the increase, unless the requirement under this subsection is five (5) spaces or fewer.

(g) Reduction of required spaces when effective alternatives to automobile access are proposed. Upon demonstration to the hearing examiner that effective alternatives to automobile access are proposed to be implemented, the examiner may reduce by not more than 40 percent the parking requirements otherwise prescribed for any use or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand achieved by such alternative programs. Alternative programs which may be considered by the examiner under this provision include, but are not limited to the following:

- (i) Private vanpool operation;
- (ii) Transit/vanpool fare subsidy;
- (iii) Imposition of a charge for parking;
- (iv) Provision of subscription bus services;
- (v) Flexible work-hour schedule;
- (vi) Capital improvement for transit services;
- (vii) Preferential parking for carpools/vanpools;
- (viii) Participation in the ride-matching program;
- (ix) Reduction of parking fees for carpools and vanpools;
- (x) Establishment of a transportation coordinator position to implement carpool, vanpool, and transit programs; or
- (xi) Bicycle parking facilities.

(h) Reduction of required spaces in downtown vision plan area. Commercial uses within the downtown core, southwest sector, southeast sector, and waterfront sector may reduce the number of required off-street parking spaces in accordance with this section, upon demonstration to the community development department that the proposed use is in conformance with the Downtown Master Plan guidelines as set forth in the comprehensive plan. Expansion of existing commercial buildings and uses are required to demonstrate conformance with the city's design standards and guidelines or to incorporate reasonable measures to meet the intent of the guidelines for existing uses. For commercial uses requiring less than 10 spaces, the parking requirements may be waived by the director. For required parking in excess of 10 spaces, the applicant must demonstrate that adequate on-street parking facilities exist within 400 feet of the proposed use in order to qualify for a reduction. Parking may be reduced by up to 50 percent if consistent with the Downtown Master Plan guidelines. In approving a reduction to required off-street parking, the department may require improvement of existing right-of-way to meet the intent of this code and the Downtown Master Plan, in providing improved parking, walkways and access to the business.

(i) Uses Not Mentioned. In the case of a use not specifically mentioned in [MMC 22C.130.030 Table 1 – Minimum Required Parking Spaces](#), the requirements for off-street parking shall be determined by the Community Development Director. If there is/are comparable uses, the Community Development Director's determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the Community Development Director, none of the uses in [MMC 22C.130.030 Table 1 – Minimum Required Parking Spaces](#) are comparable, the Community Development Director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

(3) Carpool Parking.

For office, industrial, and institutional uses where there are more than twenty (20) parking spaces on the site, the following standards must be met:

(a) Five (5) spaces or five percent (5%) of the parking spaces on site, whichever is less, must be reserved for carpool use before nine a.m. on weekdays. More spaces may be reserved, but they are not required.

(b) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

(c) Signs must be posted indicating these spaces are reserved for carpool use before nine a.m. on weekdays.

**TABLE 1: Minimum Required Parking Spaces**

<b>LAND USE</b>	<b>MINIMUM REQUIRED SPACES</b>
<b>RESIDENTIAL USES</b>	
Single-family dwellings, duplexes, townhouses, and mobile homes	2 per dwelling; provided: 1. One (1) guest parking space is required per unit, where an enclosed private garage is utilized to meet the required parking. Driveways can be counted as a guest parking space, provided said driveway complies with the bulk and dimensional requirements outlined in <a href="#">Table 2</a> ; and 2. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the two (2) required parking spaces in a development, however, tandem parking can be counted as a guest parking space, when required.
Accessory dwelling units	1 space per dwelling unit
Multiple-family dwellings, one bedroom per unit	1.5 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the two required parking spaces in a multi-family development, however, tandem parking can be counted as a guest parking space, when required.
Multiple-family dwellings, two or more bedrooms	1.75 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the two required parking spaces in a multi-family development, however, tandem parking can be counted as a guest parking space, when required.
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per four lots
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use
<b>RECREATIONAL/CULTURAL USES</b>	
Movie theaters	1 per four seats
Stadiums, sports arenas and similar open assemblies	1 per eight seats or 1 per 100 SF of assembly space without fixed seats
Dance halls and places of assembly w/o fixed seats	1 per 75 SF of gross floor area
Bowling alleys	5 per lane
Skating rinks	1 per 75 SF of gross floor area
Tennis courts, racquet clubs, handball courts and other similar commercial recreation	1 space per 40 SF of gross floor area used for assembly, plus 2 per court
Swimming pools (indoor and outdoor)	1 per ten swimmers, based on pool capacity as defined by the Washington State Department of Health
Golf courses	4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Gymnasiums, health clubs	1 space per each 200 SF of gross floor area
Churches, auditoriums and similar enclosed places of assembly	One per four seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly
Art galleries and museums	1 per 250 SF of gross floor area
<b>COMMERCIAL/OFFICE USES</b>	
Banks, business and professional offices (other than medical and dental) with on-site customer service	1 per 400 SF gross floor area
Retail stores and personal service shops unless otherwise provided herein	If < 5,000 SF floor area, 1 per 600 SF gross floor area; if > 5,000 SF floor area, 8 plus 1 per each 300 SF gross floor area over 5,000 SF
Grocery stores	1 space per 200 SF of customer service area

Barber and beauty shops	1 space per 200 SF
Motor vehicle sales and service	2 per service bay plus 1 per 1,000 SF of outdoor display
Motor vehicle or machinery repair, without sales	2 plus 2 per service bay
Mobile home and recreational vehicle sales	1 per 3,000 SF of outdoor display area
Motels and hotels	1 per unit or room
Restaurants, taverns, bars with on-premises consumption	If < 4,000 SF, 1 per 200 SF gross floor area; if > 4,000 SF, 20 plus 1 per 100 SF gross floor area over 4,000 SF
Drive-in restaurants and similar establishments, primarily for auto-borne customers	1 per 75 SF of gross floor area. Stacking spaces shall be provided in accordance with <a href="#">Chapter 22C.140 MMC</a> , Drive-through facilities.
Shopping centers	If < 15,000 SF, 1 per 200 SF of gross floor area; if > 15,000 SF, 1 per 250 SF of gross floor area
Day care centers	1 space per staff member and 1 space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic
Funeral parlors, mortuaries or cemeteries	1 per four seats or eight feet of bench or pew or one per 40 SF of assembly room used for services if no fixed seating is provided
Gasoline/service stations w/grocery	1 per employee plus 1 per 200 SF gross floor area
Adult facilities as defined by <a href="#">MMC 22A.020.020</a>	1 per 75 SF of gross floor area or, in the case of an adult drive-in theater, 1 per viewing space
<b>HEALTH SERVICES USES</b>	
Nursing homes, convalescent homes for aged	1 per five beds plus 1 space per employee and medical staff
Medical and dental clinics	1 per 200 SF gross floor area
Hospitals	1 per two beds, excluding bassinets
<b>EDUCATIONAL USES</b>	
Elementary – Jr. high schools (public and private)	5 plus 1 per each employee and faculty member
Senior high schools (public and private)	1 per each ten students plus 1 per each employee or faculty member
Commercial/vocational schools	1 per each employee plus 1 per each two students
<b>PUBLIC/GOVERNMENT USES</b>	
Public utility and governmental buildings	1 per 400 SF of gross floor area
Libraries	1 per 250 SF of gross floor area
<b>MANUFACTURING/WAREHOUSE USES</b>	
Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes	One per 500 SF of gross floor area plus 1 per each two employees on maximum working shift
Warehouses, storage and wholesale businesses	1 per each two employees on maximum working shift
Mini self-storage	1 per each 50 storage cubicles equally distributed and proximate to storage buildings. In addition, 1 space for each 50 storage cubicles to be located at the project office.

**22C.130.040****Site plan required.**

A site plan for every new or enlarged off-street parking lot or motor vehicle sales area shall be approved by the community development department prior to construction. The site plan shall be drawn utilizing a common engineering scale (e.g., 1"=20', 1"=30', 1"=40') and shall depict the following elements:

- (1) The proposed/existing buildings and appurtenances;
- (2) Locations, size, shape and design of the parking spaces;

- (3) Existing/proposed curb cuts or access locations;
- (4) Existing/proposed illumination;
- (5) Landscaping and method of irrigation;
- (6) Parking lot circulation (i.e. drive aisles, turning radii, etc.);
- (7) Drainage facilities;
- (8) Other features as deemed necessary by the director.

#### **22C.130.050 Development Standards.**

- (1) Purpose.  
The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles.
- (2) Where These Standards Apply.  
The standards of this section apply to all vehicle areas whether required or excess parking.
- (3) Improvements.
  - (a) Paving.
    - (i) In order to control dust and mud, all vehicle areas must be surfaced with a minimum all-weather surface. Such surface shall be specified by the City Engineer. Alternatives to the specified all-weather surface may be provided, subject to approval by the City Engineer. Gravel surfacing is not considered an all-weather surface.
    - (ii) The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the City determines that the alternative is not providing the results equivalent to paving or is not complying with the standards of approval, paving shall be required.
    - (iii) Parks, agricultural and similar uses, and developments providing surplus parking, are exempt from the all-weather surface requirement, provided, all surfacing must provide for the following minimum standards of approval:
      - (A) Gravel parking facilities shall be surfaced with no less than three (3) inches of crushed gravel.
      - (B) Dust is controlled.
      - (C) Stormwater is treated to City standards.
      - (D) Rock and other debris is not tracked off-site.
      - (E) Driveway and approaches shall be paved with an all-weather surface, specified by the City Engineer, from at least twenty (20) feet back from the property line, to the street.
    - (vi) Houses, Attached Houses and Duplexes. All driveways and parking areas must be covered in a minimum all-weather surface, specified by the City Engineer. Gravel surfacing is not considered an all-weather surface.
  - (b) Striping. All parking spaces, except for stacked parking, must be striped in conformance with the minimum parking and aisle dimensions outlined in Table 2, except parking for single-family residences, duplexes and accessory dwelling units.
  - (c) Protective Curbs Around Landscaping. All perimeter and interior landscaped areas must have continuous, cast in place or extruded protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers. This provision does not apply to single-family residences, duplexes and accessory dwelling units.
  - (d) Illumination. Parking lot illumination shall be provided for all parking lots containing 15 or more parking spaces, and shall comply with the following design standards:
    - (i) Parking lot lighting fixtures shall be full cut-off, dark sky rated and mounted no more than twenty-five (25) feet above the ground, with lower fixtures preferable so as to maintain a human scale;
    - (ii) All fixtures over fifteen (15) feet in height shall be fitted with a full cut-off shield.
    - (iii) Pedestrian scale lighting (light fixtures no taller than 15 feet) is encouraged in areas of pedestrian activity. Lighting shall enable pedestrian to identify a face forty-five (45) feet away in order to promote safety.
    - (iv) Parking lot lighting shall be designed to provide security lighting to all parking spaces;

(v) Lighting shall be shielded in a manner that does not disturb residential uses or pose a hazard to passing traffic. Lighting should not be permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line.

(4) Stormwater Management.

Stormwater runoff from parking lots is regulated by [Title 14 MMC, \*Water and Sewers\*](#).

(5) Parking Area Layout.

(a) Access to Parking spaces.

(i) All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

(ii) Parking shall be designed so that automobiles do not back out into public streets.

(b) Parking Space and Aisle Dimensions.

(i) Parking spaces and aisles must meet the minimum dimensions contained in [MMC 22C.130.050 Table 2 – Minimum Parking Space and Aisle Dimensions](#). Parking at any angle other than those shown is permitted, providing the width of the stalls and aisle is adjusted by interpolation between the specified standards.

(ii) Turning radii. The minimum allowable inside vehicle turning radius in parking and driveway areas shall be 20 feet unless Fire or Solid Waste Apparatus access is necessary, in which case the minimum inside radius shall be 30.5 feet and the outside radius shall be 46 feet or as required by the Fire District or Solid Waste division. Turning radii are not necessarily the radii or curbs around islands and other improvements.

(iii) On dead end aisles, aisles shall extend five (5) feet beyond the last stall to provide adequate turnaround.

(iv) The community development director may grant a deviation from the parking space and aisle dimensions outlined in [MMC 22C.130.050 Table 2 – Minimum Parking Space and Aisle Dimensions](#), whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this title, and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the parking space and aisle dimensions that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking dimensional standards. To grant a deviation, the community development director must make the following findings:

(A) That the granting of the deviation will not create a safety hazard or loading of vehicles on public streets in such a manner as to interfere with the free flow of vehicular and pedestrian traffic, within the public right-of-way.

(B) That the granting of the deviation will not create a safety hazard or any other condition inconsistent with the objectives of this title.

**Table 2: Minimum Parking Space and Aisle Dimensions**

Angle	Width	Curb Length	1-way Aisle Width	2-way Aisle Width	Stall Depth
0° (parallel)	8'	21'	12'	22'	8'
30°	8' 6"	17'	12'	22'	15'
45°	8' 6"	12'	12'	22'	17'
60°	8' 6"	9' 9"	16'	22'	18'
90°	8' 6"	8' 6"	22'	22'	18'
<b>Note:</b>					
Dimensions of parking spaces for the disabled are regulated by the building code. See <a href="#">MMC 22C.130.050(5)(e)</a> .					

(c) Pedestrian Access and Circulation. Developments must provide specially marked or paved walkways through parking lots, as depicted in [Figure\(s\) 1 - 4](#). Parking lot walkways shall allow for access so pedestrians and wheelchairs can easily gain access from public sidewalks and bus stops to building entrances through the use of raised concrete sidewalks, or pedestrian paths which are physically separated from vehicle traffic and maneuvering areas. Generally, walkways should be provided every four rows and a maximum distance of one-hundred eighty (180) feet shall be maintained between paths. Where possible, align the pathways to connect with major building entries or other sidewalks, pathways, and destinations. The pathways must be universally accessible and meet ADA standards.



Figure 1

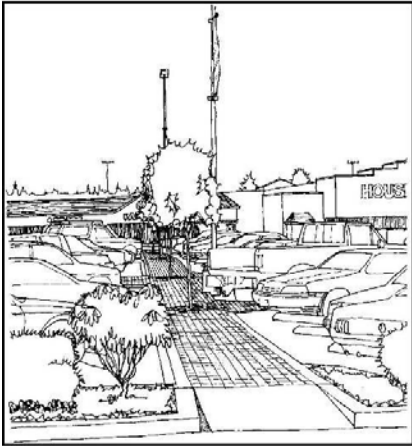


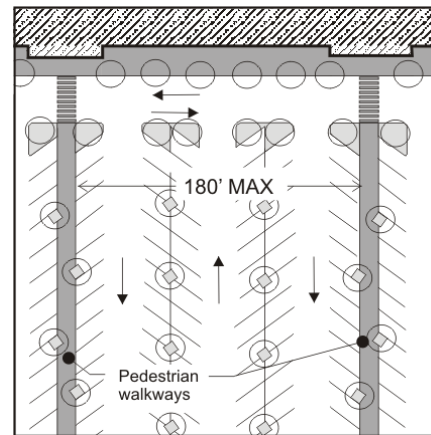
Figure 2



Figure 3



Figure 4



(d) Location. Parking areas should be located and designed to consider impacts to the streetscape. Except for adult facilities as defined by [MMC 22A.020.020](#), on-site parking shall be located at the sides and rear of buildings or complexes. For adult facilities, on-site parking shall be located where most visible from both the streetscape and the public access to the adult facility.

(e) Parking for Disabled Persons. The Building Official regulates the following disabled person parking standards and access standards through the building code and the latest *ICC/ANSI A117.1* standards for accessible and usable buildings and facilities:

- (i) Dimensions of disabled person parking spaces and access aisles.
  - (ii) The minimum number of disabled person parking spaces and circulation routes.
  - (iii) Location of disabled person parking spaces and circulation routes.
  - (iv) Curb cuts and ramps including slope, width and location; and
  - (v) Signage and pavement markings.
- (f) A portion of a standard parking space may be landscaped instead of paved, as follows:
- (i) The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Any vehicle overhang must be free from interference from sidewalks, landscaping, or other required elements.
  - (ii) Landscaping must be ground cover plants; and
  - (iii) The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.



(g) Ingress and egress provisions. The layout of parking areas are reviewed for compliance with the curb cut and access restrictions outlined in the Marysville Engineering Design and Development Standards (EDDS).

(6) Parking Area Landscaping and Screening. All landscaping must comply with the standards of [Chapter 22C.120 MMC](#). In addition, screening in the form of a solid masonry wall, architectural fences or dense coniferous hedges shall be erected or planted and maintained to a height of not less than five feet where a parking lot has a common boundary line with any residentially zoned property.

(7) Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair of traffic-control devices, signs, light standards, fences, walls, surfacing materials, curbs, railings and drainage facilities.

### 22C.130.060

#### Bicycle Parking.

Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation.

(1) Required Bicycle Parking. Bicycle parking facilities shall be provided for any new use which requires twenty (20) or more automobile parking spaces.

(a) The number of required bicycle parking spaces shall be five percent (5%) of the number of required off-street auto parking spaces.

(b) When any covered automobile parking is provided, all bicycle parking shall be covered.

(2) Exemptions from Bicycle Parking Standards.

(a) Construction activities which do not require a building permit.

(b) Interior and exterior remodels of existing structures.

(c) Temporary use or activities.

(3) Bicycle Parking Standards.

(a) Each required bicycle parking space shall be located on a minimum all-weather surface, specified by the City Engineer.

(b) Bicycle parking should be at least as well-lit as vehicle parking for security.

(c) A bicycle parking space shall be at least 6 feet long and 2 feet wide with an overhead clearance of at least 7 feet, and comply with the spacing provisions depicted in [Figure 5](#). An access aisle of at least 4 feet wide shall be provided and maintained beside or between each row of bicycle parking.

(d) The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions.

(e) Direct pedestrian access from the bicycle parking area to the building entrance shall be provided.

(4) Bicycle Parking Location and Design.

(a) Bicycle parking provided in outdoor locations shall not be located farther than the closest automobile parking space (except ADA parking).

(b) Short term bicycle parking shall consist of the following design features:

(i) Inverted "U" style racks or similar design, as illustrated in [Figure 6](#).

(ii) Each rack shall provide each bicycle parking space with at least two points of contact that allows the frame and both wheels to be locked to the rack by the bicyclist's own locking device.

(iii) The bike rack shall have rounded surfaces and corners.

(iv) The bike rack shall be coated in a material that will not damage the bicycle's painted surfaces.

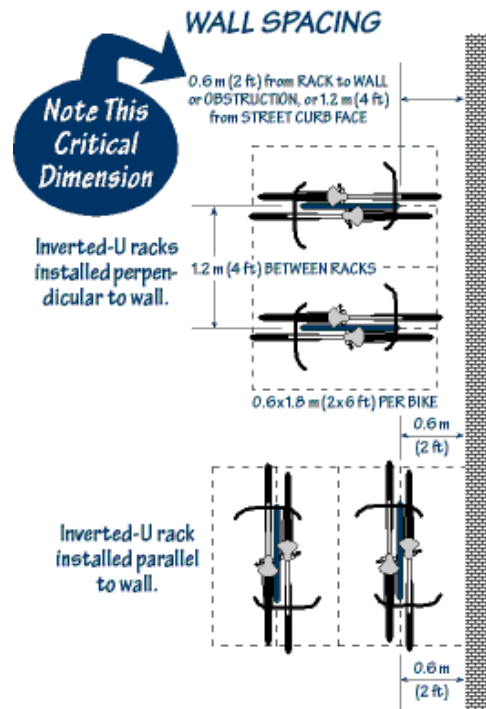


Figure 5

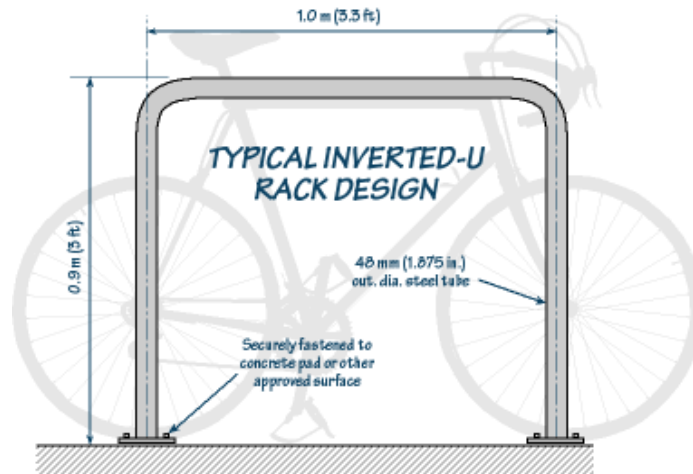


Figure 6

(5) The community development director may waive the bicycle parking requirement if it can be demonstrated that the rack would not be reasonably utilized due to the location of the facility.

#### 22C.130.070

#### Exterior Design of Parking Structures.

(1) Purpose.

To reduce the visual impact of structured parking located above grade.

(2) Exterior Design of Parking Structures Implementation.

(a) The street-facing facades of parking levels within a building shall be treated in such a way as to seem more like a typical floor, rather than open slabs with visible cars and ceiling lights, as depicted in [Figure\(s\) 7 - 10](#). This may be accomplished by two or more of the following.

- (i) Square opening, rather than horizontal.
- (ii) Planting designed to grow on the façade.
- (iii) Louvers.
- (iv) Expanded metal panels.
- (v) Decorative metal grills.
- (vi) Spandrel (opaque) glass.
- (vii) Other architectural devices may be proposed that will accomplish the intent.

(b) Free-standing parking structures shall incorporate the above features on portions of the façade above the ground level. At ground level, they shall comply with the site and building design standards outlined in [Chapter\(s\) 22A.010 and 22A.020 MMC](#), addressing ground level details, transparency and weather protection.

Figure 7



Figure 8



Figure 9



Figure 10



### 22C.130.080 Loading areas.

(1) Purpose.

A minimum number of off-street loading spaces are required to ensure adequate areas for loading for larger uses and developments. These standards ensure that the appearance of loading areas will be consistent with that of parking areas.

(2) Loading Standards.

(a) Number of Loading Spaces.

The number of loading spaces required is determined by the following table.

Gross Floor Area (GFA)	Number of Loading Spaces
Less than 20,000 SF of non-residential GFA	0
20,000 SF to 50,000 SF of non-residential GFA	1
More than 50,000 SF of non-residential GFA	2

(b) Loading spaces shall be designed so no part of a truck or van using the loading space will project into the public right-of-way.

(c) Size of Loading Spaces.

Each loading space shall measure not less than 10 feet wide by 30 feet long, with 14-foot height clearance.

(d) Placement, Setbacks, and Landscaping.

Loading areas must comply with the setback and perimeter landscaping standards stated in [Chapter 22C.120 MMC](#). When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

(e) Paving. In order to control dust or mud, all loading areas must be covered in a

minimum all-weather surface, specified by the City Engineer.

### 22C.130.090 Variance requests to this chapter.

(1) In considering a request for a modification of parking requirements, the hearing examiner shall consider the following factors:

(a) Type of use proposed and traffic generation, including hours of operation, frequency of employee and customer trips, and other specific factors relating to the proposed use;

(b) Location of the subject property, proximity to and availability of public transportation facilities, likelihood of customers or employees to use public transportation;

(c) Other information which is relevant and necessary to make a determination as to the validity of the request for modification. Such additional information may include parking studies and

traffic surveys for the proposed project vicinity and data concerning the actual parking demand of other similar uses.

(2) In approving a request for the modification of the number of required off-street parking spaces, the hearing examiner may require that a transit stop be located on the subject lot in order to promote use of public transit and to justify a reduction in the required number of parking spaces.

**Chapter 22C.140****DRIVE-THROUGH FACILITIES****Sections:**

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**22C.140.010****Purpose.**

The standards of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- (1) Reduce noise, lighting and visual impacts on abutting uses, particularly residential uses;
- (2) Promote safer and more efficient on-site vehicular and pedestrian circulation; and
- (3) Minimize conflicts between queued vehicles and traffic on adjacent streets.

**22C.140.020****Application.**

- (1) Uses.

The standards of this chapter apply to all uses that have drive-through facilities including vehicle repair and quick vehicle servicing.

- (2) Site Development.

The standards of this chapter apply only to the portions of the site development that comprise the drive-through facility. The standards apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the standards of this chapter. [Chapter 22C.130 MMC](#), Parking and Loading, contains additional requirements regarding vehicle areas.

- (3) Parts of a Drive-through Facility.

A drive-through facility is composed of two parts – the stacking lanes and the service area. A drive-through facility may also have a third part – an order menu. The stacking lanes are the space occupied by vehicles queuing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors and vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

**22C.140.030****Setbacks and Landscaping.**

All drive-through facilities must provide the setbacks and landscaping stated below:

- (1) Abutting a Residential Zone.

Service areas and stacking lanes must be set back ten feet from all lot lines which abut Residential zones. The setback must be landscaped to the L1 standards, see [Chapter 22C.120 MMC](#), *Landscaping and Screening*.

- (2) Abutting a Commercial or Industrial Zone.

Service areas and stacking lanes must be set back five feet from all lot lines which abut Commercial or Industrial zones. The setback must be landscaped to the L2 standard, see [Chapter 22C.120 MMC](#), *Landscaping and Screening*.

- (3) Abutting a Street.

Service areas and stacking lanes must be set back as follows:

(a) Ten feet setback required from a public right-of-way or private access road. The setback area shall be landscaped to the L3 standard, see [Chapter 22C.120 MMC](#), *Landscaping and Screening*.

(b) Fifteen feet setback required from a public arterial right-of-way. The setback area shall be landscaped to the L3 standard, see [Chapter 22C.120 MMC](#), *Landscaping and Screening*.

**22C.140.040 Vehicle Access.**

All driveway entrances, including stacking lane entrances, must be spaced in accordance with the City of Marysville Engineering Design and Development Standards, unless otherwise authorized by the Public Works Director, or designee.

**22C.140.050 Stacking Lane Standards.**

These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

(1) Dimensional Requirements.

A stacking lane shall be an area measuring a minimum of eight feet, six inches wide by twenty-feet deep, with direct forward access to a service window of a drive-through facility. A stacking lane is measured from the curb cut to the service area or the order area if an outdoor order area precedes the service area. Stacking lanes do not have to be linear.

(2) For each drive-up lane of a financial institution, business service, gas stations, vendor stand, or other drive-through use not listed, a minimum of three stacking spaces shall be provided.

(3) For each service lane of a drive-through restaurant, a minimum of seven stacking spaces shall be provided. For high volume drive-through restaurants up to 12 stacking spaces may be required.

(4) A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

(5) Stacking Lane Design and Layout.

Stacking lanes must be designed so that they do not interfere with parking, parking access and vehicle circulation.

(6) Stacking Lanes Identified.

All stacking lanes must be clearly identified, through the use of means such as striping, landscaping and signs.

**22C.140.060 Off-site Impacts.**

Drive-through facilities must meet the off-site impact standards outlined in this section. When abutting land zoned Residential, drive-through facilities with noise-generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners and exterior air compressors.

(1) Communication systems (e.g., intercom systems) that can be heard beyond the property line are prohibited.

(2) The exterior openings for automobile ingress and egress to work areas shall not be located on walls of buildings adjacent to residences or residentially zoned property.



**Chapter 22C.150****ELECTRIC VEHICLE INFRASTRUCTURE AND BATTERIES****Sections:**

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**22C.150.010****Allowed Uses**

Electric vehicle charging stations ([Figure 1](#)), rapid charging stations ([Figure 2](#)) and battery exchange stations ([Figure 3](#)) are permitted in accordance with [Chapter 22C.010 MMC Residential Zones](#) and [Chapter 22C.020 MMC, Commercial, Industrial, Recreation and Public Institutional Zones](#).

**Figure 1: Electric Vehicle Home Charging Station***Wall-mounted Level 2 home charging station***Figure 2: Electric Vehicle Rapid Charging Stations***Rapid Charging Stations in Vacaville, CA*

**Figure 3: Electric Vehicle Battery Exchange Stations***Battery Exchange Station in Tokyo***22C.150.020 Vehicles and Traffic****(1) Electric Vehicle Charging Stations — Generally.**

(a) Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

(b) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

**(2) Prohibitions.**

(a) When a sign provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Any non-electric vehicle is subject to fine or removal.

(b) Any electric vehicle in any designated electric vehicle charging station space and not electrically charging or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

**(3) Noticing of Electric Vehicle Charging Stations.**

(a) Upon adoption by the City of Marysville, the city engineer shall cause appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes. Violators are subject to a fine and/or removal of their vehicle.

**22C.150.030 Off Street Parking — Electric Vehicle Charging Stations**

To ensure an effective installation of electric vehicle charging stations, the regulations in this subsection provide a framework for when a private property owner chooses to provide electric vehicle charging stations.

**(1) Electric Vehicle Charging Station Spaces.****(a) Purpose.**

For all parking lots or garages, except those that include restricted electric vehicle charging stations.

**(b) Number.**

No minimum number of charging station spaces is required.

**(c) Minimum Parking Requirements.**

An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.

**(d) Location and Design Criteria.**



The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.

(i) Where provided, parking for electric vehicle charging purposes is required to include the following:

(A) Signage.

Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

(B) Maintenance.

Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(C) Accessibility.

Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.

(D) Lighting.

Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

(E) Notification.

Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.

(e) Data Collection.

To allow for maintenance and notification, the Marysville Community Development Department will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition "electric vehicle charging station — public") to provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

## **22C.150.040**

### **Accessible Electric Vehicle Charging Stations**

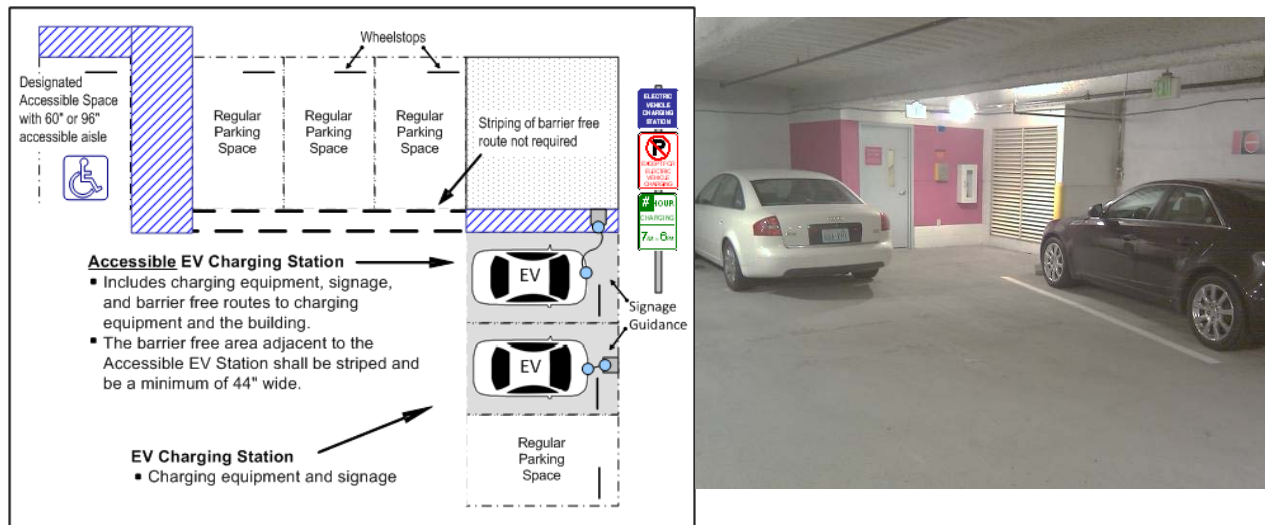
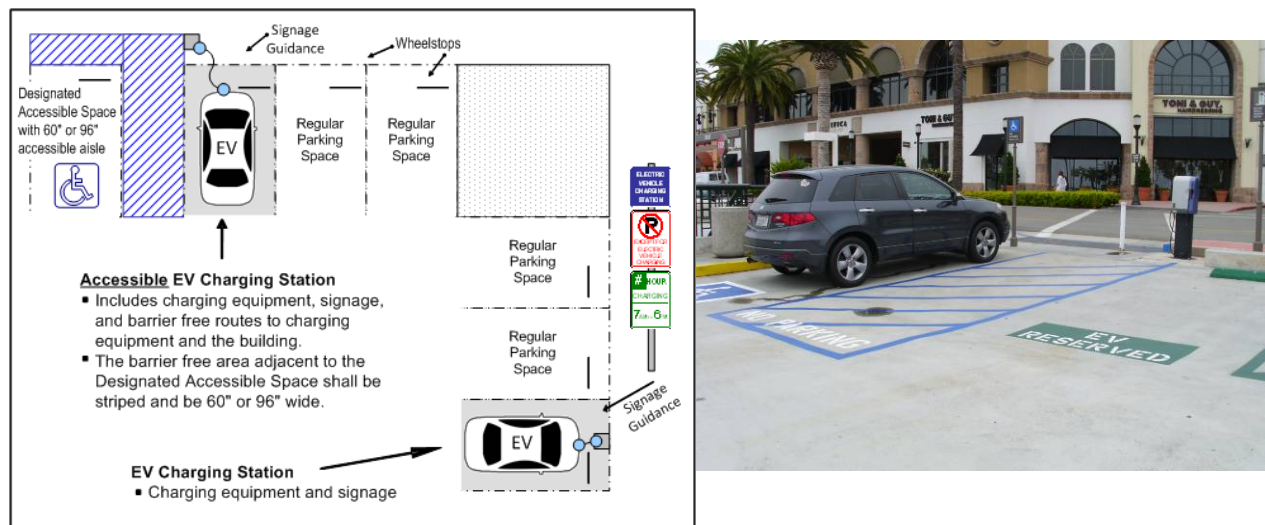
(1) Quantity and Location.

Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

(a) Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table.

<b>Number of EV Charging Stations</b>	<b>Minimum Accessible EV Charging Stations</b>
1-50	1
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6

(b) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.

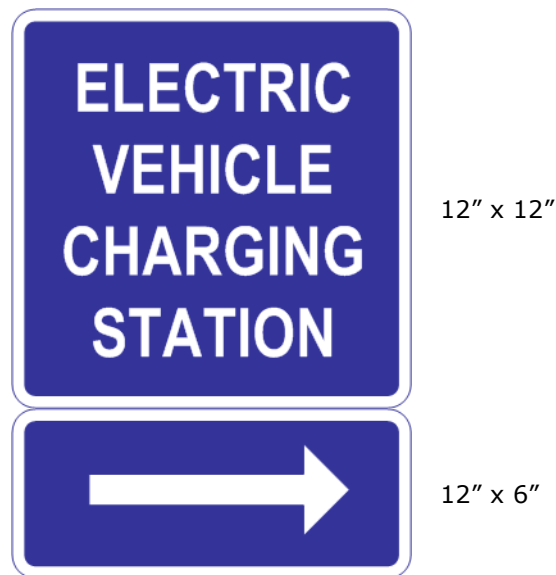
**Figure 4: OFF-STREET ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION - OPTION 1****Figure 5: OFF-STREET ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION - OPTION 2****(2) Definitions**

(a) **Designated Accessible Space.** A [WAC 51-50-005](#) required accessible parking space designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

(b) **Accessible Electric Vehicle Charging Station.** An electric vehicle charging station where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

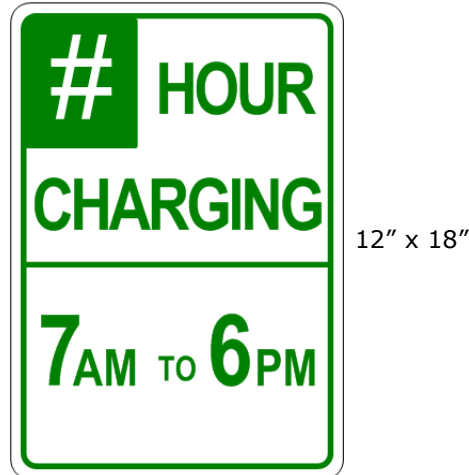
**22C.150.050 Signage****(1) Directional – Off-street Parking Lot or Parking Garage.**

Directional signs for an on-site parking lot or parking garage should be used in the parking facility with a directional arrow at all decision points, as depicted in [Figure 6](#).

**Figure 6: Directional — Off-street Parking Lot or Parking Garage**

(2) Off-street EV Parking – Parking Space with Charging Station Equipment. Combination signs identifying space as an electric vehicle charging station, prohibiting non-electric vehicles, with charging time limits should be provided, as depicted in [Figure 7](#).

**Figure 7: Off-street EV Parking — Parking Space with Charging Station Equipment**



**22C.150.060 Streets, Sidewalks and Public Places.**

(1) On-street Electric Vehicle Charging Stations — Generally.

(a) Purpose. Curbside electric vehicle charging stations adjacent to on-street parking spaces are reserved for charging electric vehicles.

(b) Size. A standard size parking space may be used as an electric vehicle charging station.

(c) Location and Design Criteria. Where provided, parking for electric vehicle charging purposes is required to include the following:

(i) Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

(ii) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

(iii) Accessibility. Charging station equipment located within a sidewalk shall not interfere with accessibility requirements of [WAC 51-50-005](#).

(iv) Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

(v) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.

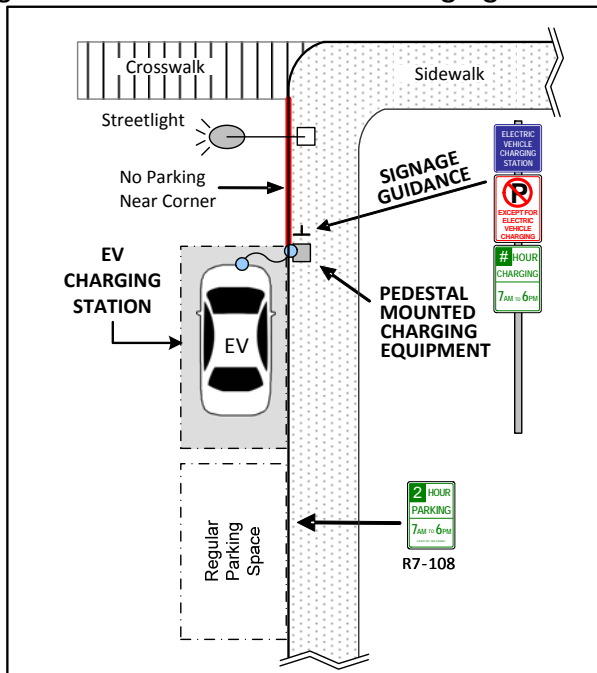
(vi) Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

(vii) Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used. Appropriate signage indicating if backing in is allowed or not shall be posted.

(viii) Notification. Information on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.

(ix) Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.

(d) Data Collection. To allow for maintenance and notification, the Community Development Department will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition “electric vehicle charging station — public” in [MMC 22A.020.060](#)) to provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

**Figure 8: Electric Vehicle Charging Station — On Street****On-street charging near end of block.****(2) Signage.****(a) Directional – Highways and Freeways.**

Directional sign (MUTCD D0-11b) for highways and freeways (Figure 9) should be installed at a suitable distance in advance of the turn-off point or intersection highway. If used at an intersection or turn-off point, it shall be accompanied by a directional arrow. As the symbol on Figure 9 appears to be a gasoline pump, this sign may also be supplemented with the sign shown in Figure 10 (MUTCD D9-11bP) to avoid confusion with liquid fuel stations for early EV drivers.

**Figure 9: Directional — Highways and Freeways**

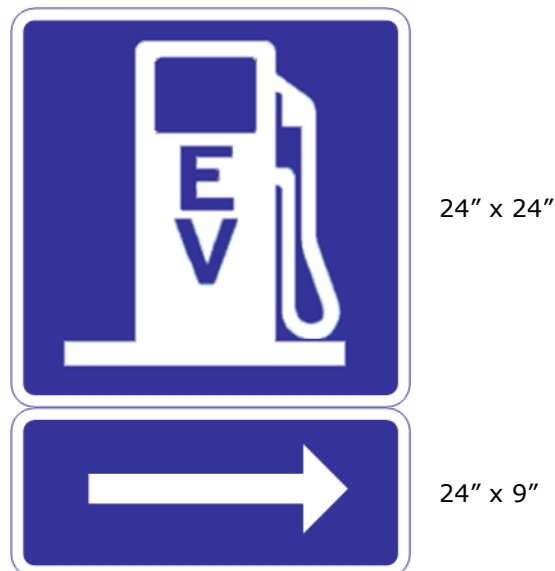
30" x 30"

30" x 12"

**Figure 10: Supplemental Directional — Highways and Freeways**

(b) Directional – Local Street.

The directional sign for local streets should be installed at a suitable distance in advance of the intersection or charging station facility. If used at an intersection or parking lot entrance, it shall be accompanied by a direction arrow. As the symbol on [Figure 11](#) appears to be a gasoline pump, this sign may also be supplemented with the sign shown in [Figure 12](#) (MUTCD D9-11bP) to avoid confusion with liquid fuel stations for early EV drivers.

**Figure 11: Directional — Local Street****Figure 12: Supplemental Directional — Local Street**

(c) On-street Parking Space with Charging Station Equipment.

Combination sign identifying space as an electric vehicle charging station, prohibiting non-electric vehicles, with charging time limits is shown in [Figure 13](#). The use of time limits is

optional and is included to allow the charging equipment to be available for more than one use during the day. The design of the time limit charging sign is modeled after the existing R7-108 sign in the federal MUTCD. If dual use of the space is allowed, the time limits would need to be added to the red/black/white sign rather than the green sign.

**Figure 13: On-Street Parking Space with Charging Station Equipment**



**22C.150.070**

**SEPA**

(1) Categorical Exemptions for Battery Charging and Exchange Station Installation.

The construction of an individual battery charging station or an individual battery exchange station, that is otherwise categorically exempt shall continue to be categorically exempt even if part of

a larger proposal that includes other battery charging stations, other battery exchange stations, or other related utility networks.



**Chapter 22C.160****SIGNS****Sections:**

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**22C.160.010****Purpose.**

The purpose of this chapter is to provide for the reasonable display of signs necessary for public service or the conduct of business. The regulations enacted herein are necessary to protect the safety and welfare of the public and to maintain an attractive appearance in the community. This chapter authorizes and regulates the use of signs visible from a public right-of-way and/or adjacent property to:

- (1) Provide a reasonable balance between the right of an individual to identify a business and the right of the public to be protected against the unrestricted proliferation of signs; and
- (2) Support the economic well-being of businesses by allowing businesses to identify their premises and advertise products and services; and
- (3) Provide minimum standards to safeguard life, health, property and the general welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and
- (4) Ensure that signs are compatible with adjacent land uses; and
- (5) Protect the public from hazardous conditions resulting from signs that are structurally unsafe, obscure visions of motorists, distract motorists, or interfere with traffic signs and signals; and
- (6) Minimize overhead clutter for drivers and pedestrians; and
- (7) Provide for types and sizes of signs appropriate to the land uses and zoning districts of the city; and
- (8) Encourage well-designed signs that are compatible both with surrounding land uses and the buildings to which they are appurtenant; and
- (9) Provide for the orderly and reasonable elimination of existing signs that are not in conformance with this chapter to protect the public health, safety, and welfare; and
- (10) Provide a reasonable amortization period for businesses which have made a substantial investment in off-premises signs (billboards); and

- (11) Implement the goals and policies of the Marysville Comprehensive Plan; and
- (12) Protect property values by encouraging signs that are appropriate in both scale and design to surrounding buildings and landscape, and by discouraging a needless proliferation of the number of signs.

**22C.160.020 Authority**

- (1) **Administration.** The Community Development Director will administer these sign standards as set forth in [Chapter 22G.010 MMC](#), Land Use Application Procedures. The director may implement procedures, forms, and written policies for administering the provisions of this chapter.
- (2) **Enforcement.** This chapter will be enforced by the Code Enforcement Officer.
- (3) **Violations.** Violations of this chapter are civil infractions enforced under [Title 4 MMC](#).

**22C.160.030 Permits Required**

It shall be unlawful to erect or display a sign in the city without a sign permit issued by the Community Development Department, except for those exempted in [Section 22C.160.080 MMC](#).

**22C.160.040 Application Requirements and Fee Schedule**

- (1) Applications for sign permits shall be made to the Building Official upon forms provided by the Community Development Department. Such application shall require:
  - (a) Name, address, telephone number and e-mail address of the applicant.
  - (b) Name, address, telephone number and e-mail address of the sign owner.
  - (c) Tax parcel number or correct address where the proposed sign or signs will be located.
  - (d) A scaled drawing of the proposed sign or sign revision, including size, height, copy, structural footing details, method of attachment and illumination.
  - (e) A scaled site plan, indicating the location of the sign relative to property lines, rights-of-way, streets, sidewalks, and other buildings or structures on the premises.
  - (f) The number, size, type and location of all existing signs on the same building, lot or premises.
- (2) Fee schedule. Fees for sign permits are as provided by [Section 16.04.045 MMC, Table 1-A](#).

**22C.160.050 Inspections**

- (1) Inspections are required for all signs requiring a permit. The Building Division shall be contacted for inspections at the following points of the project:
  - (a) Prior to pouring footings for freestanding signs. The applicant will be required to provide enough field information for the inspector to determine the proposed sign complies with applicable setback provisions.
  - (b) Foundation, anchorage, attachments and other structural support of the sign, sign structure and awning.
  - (c) Electrical connections of the sign, sign lighting or awning lighting. No person may make connections of a sign, sign lighting or awning lighting to a power source until all electrical components and connections have been approved.
  - (d) Final sign installation to determine compliance with the approved plans.
- (2) Special inspections may be required for complex signs as specified by the licensed design professional or the Building Official. Notice will be given to the applicant as part of the permit review process when a special inspection is required.

**22C.160.060 Construction Standards**

The construction, erection, safety and maintenance of all signs shall comply with [Title 16 MMC](#), and the following:

- (1) Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
- (2) All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
- (3) Signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
- (4) Signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
- (5) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

**22C.160.070 Prohibitions**

The following signs are prohibited in the City and are subject to the specific prohibitions, requirements, and exceptions set forth below for each type of sign:

- (1) **Billboards.** Billboards shall be removed subject to the amortization schedule outlined in [Section 22C.160.250 MMC](#).
- (2) **Animated Signs.** No sign shall be animated, revolve or rotate either mechanically or by illumination, except for the movement of the hands of a clock, permitted electronic message signs, and barber poles;
- (3) **Roof Signs.**
- (4) **Hazardous Signs.** A sign is hazardous if it creates a safety hazard for pedestrians or motorist, as determined by the Police Chief or City Engineer.
- (5) **Signs located in or on public right-of-way.** No signs shall be located upon or projecting over public streets, sidewalks, or rights of way except as provided for projecting wall signs in [Section 22C.160.160\(8\) MMC](#), blade/bracket signs in [Section 22C.160.210 MMC](#) and temporary and special event signs in [Section 22C.160.230 MMC](#).
- (6) **Temporary and Special Event Signs.** Temporary and special event signs not meeting the requirements of [Section 22C.160.230 MMC](#) are prohibited. This prohibition includes, but is not limited to, portable readerboards, signs on vehicles or trailers, banners and sandwich or A-boards, provided, that sandwich or A-Board signs may in certain circumstances be specifically allowed as set forth in this Chapter.
- (7) **Signs on Utility Poles and Trees.** Signs on utility, street light and traffic control standards or poles and trees are prohibited, except for those of the utility or government.
- (8) **Signs not meeting the requirements of this chapter or that are legally nonconforming.** The following signs are unlawful and prohibited:
  - (a) Signs which were lawful under prior sign codes, but which are not lawful under this Chapter.
  - (b) Signs that do not comply with the conditions of their permits.
  - (c) Signs erected, altered or relocated without a permit and not in compliance with this Chapter.
  - (d) Signs which were lawful under prior sign codes, but which have been altered or relocated so that the sign is not in compliance with this Chapter.
  - (e) Signs that identify and advertise activities, products, businesses, or services which have been discontinued, terminated or closed for more than sixty (60) days on the premises upon which the signs are located.
- (9) **Streamers, Pennants, and Banners.** Displays of banners, festoons flags, posters, pennants, ribbons, streamers, strings of lights, chasing strobe or scintillating lights, flares, balloons, bubble machines and similar devices are prohibited when the same are visible from any off-site location, including but not limited to, any public right-of-way, except as provided in [Section 22C.160.230 MMC](#). Where such signs or devices are not visible from off-site, this prohibition does not apply.
- (10) **Traffic-Like Signs.** Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with a traffic control sign, signal, or device, or the light of an emergency vehicle, or which obstruct the visibility of any traffic or street sign or signal, are prohibited.
- (11) **Obscene Signs.** Signs which bear or contain statements, words or pictures, which are obscene under the prevailing statutes or applicable State and federal court decisions, are prohibited.

**22C.160.080 Exemptions**

The following signs are exempted from obtaining a sign permit, but must comply with all other requirements of this chapter and with the specific requirements set forth below for each type of sign:

- (1) A change in the face of the sign or advertising copy of an existing, legally permitted, sign.
- (2) Temporary and special event signs meeting the requirements of [Section 22C.160.230 MMC](#).
- (3) On-premises and portable commercial or real estate signs meeting the requirements of [Section 22C.160.230\(5\)&\(6\) MMC](#).
- (4) Political signs meeting the requirements of [Section 22C.160.230\(7\) MMC](#).
- (5) Nonelectric signs not exceeding four (4) square feet per face, which are limited in content to the name of occupant and address of the premises in a residential zone.

- (6) Instructional signs, not exceeding six (6) square feet per sign, provided, that foundation, anchorage, attachments and other structural support of the sign and electrical connection require construction permits.
- (7) Menu signs. Foundation, anchorage, attachments and other structural support of the sign and electrical connection require construction permits.
- (8) Seasonal Decorations. Reasonable seasonal decorations within an appropriate holiday season or during a festival are exempt from this section as long as such displays are removed promptly at the end of the holiday season or festival.
- (9) Sculptures, fountains, benches, lighting, mosaics, murals, landscaping and other street furniture and design features, which do not incorporate advertising or identification.
- (10) Signs Not Visible From Public Way. Exterior and interior signs or displays not intended to be visible from streets or public ways, signs in the interior of a building more than three (3) feet from the closest window and not facing a window, window displays and point of purchase advertising displays such as vending machines.
- (11) The flag, emblem or insignia of a nation or other governmental unit or nonprofit organization, subject to the guidelines concerning their use set forth by the government or organization which they represent. Flag poles require a construction permit for structural review.
- (12) Traffic or other municipal signs, signs required by law or emergency services, railroad crossing signs, legal notices, and any temporary signs specifically authorized by the City Council or authorized under policies and procedures adopted by the City Council.
- (13) Signs of public utility companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
- (14) Memorial signs or tablets, names of buildings, stained glass windows and dates of erection when cut into the surface of the façade of the building or when projecting not more than two (2) inches.
- (15) Incidental signs, including, but not limited to, "no trespassing", "no dumping", "no parking", "private", signs identifying essential public needs (i.e. restrooms, entrance, exit, telephone, etc.) and other information warning signs, which shall not exceed three (3) square feet in surface area.
- (16) Flush-mounted wall signs which are used to identify the name and address of the occupant for each dwelling provided the sign does not exceed two (2) square feet in sign area.
- (17) Gateway Entrance Signs. Gateway entrance signs that comply with the City of Marysville Gateway Master Plan. Foundation, anchorage, attachments and other structure support of the sign and electrical connection require construction permits.

#### **22C.160.090 On-premises Requirement**

All signs shall be located on-premise, provided that temporary off-premises signs shall be allowed subject to the provisions set forth in [Chapter 22C.160.230 MMC](#). In addition, property owners may apply for an off-premises freestanding sign with a contiguous property abutting a public street, subject to the following criteria:

- (1) The allowable off-premises freestanding sign area shall be determined by measuring the street frontage of the property abutting the public street, as provided in [Section 22C.160.140\(5\) MMC](#).
- (2) Off-premises freestanding signage shall comply with all applicable development standards set forth in this Chapter.
- (3) Applicants may apply for a bonus allowance, subject to the criteria set forth in [Section 22C.160.260 MMC](#).

#### **22C.160.100 Maintenance**

Signs shall be maintained in the same condition as when the sign was installed. Normal wear and tear of aged signs shall be repaired when they detract from the visible quality of the sign, as determined by the community development director. When signs are repaired, they must do so in a manner (paint colors shall match, etc.) that is consistent with the approved sign permit. When signs are removed, the wall behind the sign shall be repaired and painted to match the rest of the building wall. The premises surrounding a freestanding sign shall be free of litter, and any landscaped area shall be maintained.

Those signs found to be deteriorated or unsafe shall be repaired or removed by the owner within ten (10) days after receiving notice from the community development director or designee.

**22C.160.110 Abandoned Signs**

Abandoned signs shall be removed by the property owner or lessee within sixty (60) days after the business or service advertised by the sign is no longer conducted on the premises. If the property owner or lessee fails to remove it, the Community Development Director, or designee, shall give the owner ten (10) days written notice to remove it. Upon failure to comply with this notice, the City of Marysville may remove the sign at the cost of the owner of the premises. The foundations and posts of a sign, with all advertising copy removed, may remain on the premises for up to three years with the owner's written consent, on the condition that the same must be continuously maintained pursuant to [Section 22C.160.100 MMC](#).

**22C.160.120 Sub-Area Master Plan and Special Overlay Districts**

In general, all signs are subject to sign regulations outlined in [Chapter 22C.160 MMC](#). When the regulations of a sub-area master plan or special overlay district conflict with this Chapter, unless specifically indicated otherwise, the regulations of the sub-area master plan or special overlay district supersede the regulations of [Chapter 22C.160 MMC](#).

**22C.160.130 Illumination**

The following standards apply to all illuminated signs:

- (1) Sign illumination shall not interfere with the use and enjoyment of adjacent properties, create a public nuisance, or create public safety hazards. Exterior light sources shall be shielded from view and directed to illuminate only the sign face.
- (2) No sign shall have blinking, flashing, moving or fluttering lights or other illuminating devices that have a changing light intensity, brightness or color.
- (3) Illuminated signs shall not create a hazardous glare for pedestrians or vehicles either in a public street or on any private premises and shall not project towards the sky.
- (4) The light from an illuminated sign shall not be of an intensity or brightness or directed in a manner that will create a negative impact on residential properties in direct line of sight to the sign.
- (5) Colored light shall not be used at a location or in a manner so as to be confused or construed as a traffic control device.
- (6) Reflective-type bulbs and incandescent lamps that exceed fifteen (15) watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property.
- (7) Light sources shall utilize energy efficient fixtures to the greatest extent possible.
- (8) Each illuminated sign shall be subject to a thirty (30) day review period, during which time the Community Development Director or designee may determine that a reduction in illumination is necessary due to negative impacts on surrounding property or the community in general. In addition, and at any time, the Community Development Director or designee may order the dimming of any illumination found to be excessively bright. The Community Development Director's determination will be made without regard to the message content of the sign.

**22C.160.140 Measurement Standards****(1) Determining Sign Area and Dimensions**

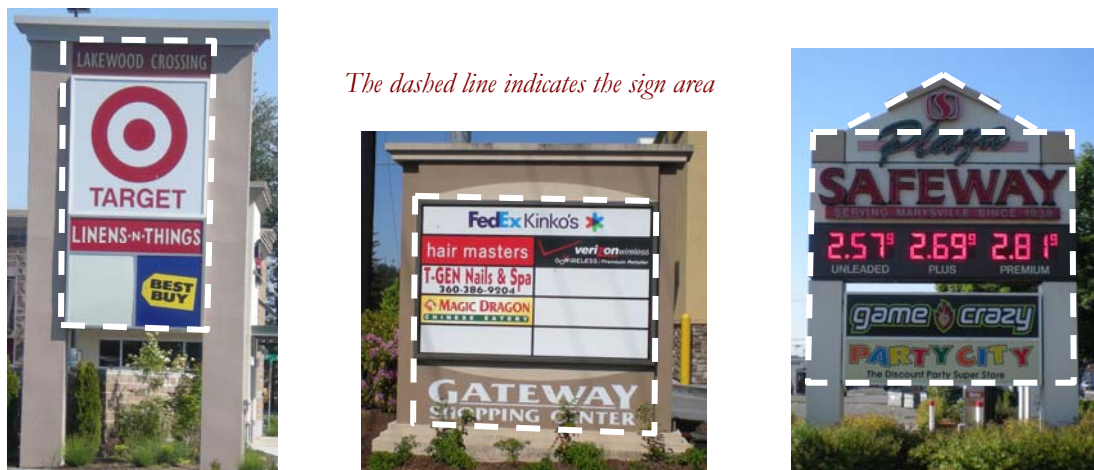
(a) For a wall sign which is framed, outlined, painted or otherwise prepared and intended solely to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

(b) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not a part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the Community Development Director, shall not be included in the total area of a sign.



**Figure 1: Wall Sign Area – Examples of Area Calculations**

- (c) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
- (i) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed so as to constitute a display device, or a part of a display device.
  - (ii) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, such as which may consist of landscaping, building or structural forms complementing the site in general.

**Figure 2: Freestanding Sign Area – Examples of Area Calculations**

- (d) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

**(2) Determining Sign Height**

(a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

(b) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

**(3) Determining Building Frontages and Frontage Lengths**

(a) **Building Unit** – The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

(b) **Primary and Secondary Frontage** – The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.

(i) The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

(ii) The secondary frontage shall include those frontages containing secondary public entrances to the building or building units and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection (i) above.

**(4) Length of Building Frontage**

(a) The length of any primary or secondary building frontage shall be all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the Community Development Director to be clearly unrelated to the frontage criteria.

(b) The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

**(5) Determining Street Frontage**

(a) Street frontage shall be determined by measuring the lineal feet of property abutting the public street from which a property obtains primary access.

(b) For developments located along more than one public street, the street frontage shall be determined by measuring the lineal feet of property abutting all public streets.

(c) Alley frontage shall not be included in determining street frontage.

(d) Properties abutting Interstate 5, and not abutting a public street, shall have the street frontage determined by measuring the lineal feet of property abutting Interstate 5.



*The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound*

**22C.160.150 Development Standards – Residential Zones**

In addition to all other provisions of this chapter, the following development standards apply in residential zones:

(1) The total combined area of all nonexempt signs on any lot in a residential zone shall not exceed nine (9) square feet, except as provided in [subsections \(7\) through \(12\)](#) below.

(2) All dwelling units in residential districts shall display house numbers readable from the street.

(3) Illumination from or upon signs shall be shaded, shielded, directed or reduced so that the light intensity or brightness does not affect the enjoyment of residential property in the vicinity in any substantial way.

(4) Freestanding pole, or pylon, signs are prohibited.

(5) Roof signs are prohibited.

(6) No sign shall be located closer than ten (10) feet to an internal property line unless attached to a fence. Signs attached to fences shall not extend higher than the fence and shall not create sight distance obstruction or any other safety hazard.

(7) Each entrance to a subdivision or multi-family development may have a monument sign up to thirty-two (32) square feet in area, per face, or two single-faced signs of not more than sixteen (16)

square feet each. These signs shall be located outside the public right-of-way so as not to create a visual obstruction for motorist or pedestrians. The height of such signs shall not exceed five (5) feet.

(8) Existing Recreation/Cultural land uses (i.e. park, community center, library, church, etc.) and Education services (i.e. public and private schools), not reviewed through the conditional use provisions outlined in subsection 10 of this section, may have one (1) monument sign per street frontage up to thirty-two (32) square feet in area, per face. The height of such signs shall not exceed five (5) feet and shall comply with the development standards outlined in [Section 22C.160.170 MMC](#). In addition, a maximum of thirty-two (32) square feet of permanent wall signage shall be allowed on the primary and secondary building frontage(s). Wall signs shall comply with the development standards outlined in [Section 22C.160.160 MMC](#).

(9) Home occupation, day care and adult family home signs shall not exceed three (3) square feet and shall be wall signs, monument signs or mounted to a fence. Signs mounted to a fence shall comply with the provisions outlined in subsection (6) of this section.

(10) Signs for conditional uses permitted in residential zones shall be approved as part of the applicable conditional use permit and shall not be otherwise restricted by the provisions of this section.

(11) Temporary sale signs (garage sale, estate sale, etc.) may be displayed no more than three (3) days prior to the event and shall be removed 24-hours after the event is completed. There shall be no more than two (2) such events advertised for any residence per year.

(12) Real estate for sale or for rent signs are permitted pursuant to [Section 22C.160.230 \(5\)&\(6\) MMC](#).

#### **22C.160.160**

#### **Development Standards – Wall Signs**

(1) The basic allowance for wall signs shall be limited to one and one-half (1½) square feet of sign area for each lineal foot of primary building frontage or two (2) square feet of sign area for each lineal foot of primary building frontage for non-illuminated signs.

(2) Each tenant is allowed a minimum sign area of thirty-two (32) square feet.

(3) Each tenant may have multiple wall signs placed on the primary or secondary building frontage(s), so long as the total wall signage does not exceed the allowances outlined in subsection (1) of this section.

(4) The community development director may allow wall signage to be placed on wall(s) which do not qualify as primary or secondary frontages, subject to the following criteria:

(a) It must be demonstrated that the wall signage would be visible from a public right-of-way;

(b) The wall signage must be comprised of individual letters;

(c) The letter and logo height shall not exceed twenty-four (24) inches;

(d) Signs shall be non-illuminated;

(e) The wall signage shall comply with the design standards outlined in subsections (5) through (8) of this section.

(f) In multi-use complexes, said signs shall be mounted so that each tenant's wall sign will be located at the same level (height above-grade) as other tenants' signs.

(g) The total wall signage for all frontage(s) shall not exceed the allowances outlined in subsection (1) of this section.

(5) The wall signage shall not exceed two-thirds (2/3) of the overall frontage for the building or tenant(s) frontage, as applicable.

(6) The wall signage shall not encroach within three (3) feet from the edge of the building or tenant(s) frontage, as applicable.

(7) Wall signs shall not extend above the building parapet, soffit, eave line, or roof of the building.

(8) The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires, or braces shall be visible except those that are an integral part of the overall design.

(9) The following additional wall signs may be permitted:

(a) **Projecting signs** are permitted, in addition to the allowances for wall signs, when designed and placed for the purpose of identifying the business(es) to pedestrians walking along the same side of the street as the business they seek or under a continuous rain canopy projecting from the building, subject to the following criteria:



(i) *Clearance:* Shall clear sidewalk by eight (8) feet.

(ii) *Projections:* Shall not project more than five (5) feet from the building façade, unless the sign is a part of a permanent marquee or awning over the sidewalk. Vertically oriented signs shall not project more than three (3) feet from the building façade. In no case shall a projecting sign be placed within two (2) feet of the curb line.

(iii) *Size:* Shall not exceed an area of two (2) square feet per each ten (10) lineal feet of applicable primary building frontage.

(iv) *Height:* Shall not extend above the building parapet, soffit, eave line, or the roof of the building, except for theatres.

(v) *Spacing:* Twenty (20) feet minimum separation.

(vi) *Design:* The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires, or braces shall be visible except those that are an integral part of the overall design.

(b) **Building Directory** – In addition to the wall signs otherwise permitted by these regulations, an additional sign may be permitted up to a maximum of ten (10) square feet for the purpose of identifying upper floor tenants or first floor tenants that do not have outside building frontage.



## 22C.160.170

### Development Standards – Freestanding Signs

(1) The basic allowance for freestanding signs shall be limited to one (1) square foot of sign area for each lineal foot of street frontage not to exceed two-hundred (200) square feet of sign area per street frontage and seventy-five (75) square feet per sign face.

(2) The maximum height of freestanding signs is outlined in **Table 1**, provided that monument signs shall not exceed twelve (12) feet in height. Additionally, when the regulations of a sub-area, master plan or special overlay district conflict, unless specifically indicated otherwise, the regulations of the sub-area, master plan or special overlay district shall supersede the height requirements outlined in **Table 1**.



**Table 1: Freestanding Signs – Maximum Height**

Zoning District									
NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
4'	25'	25'	15'	12'	25'	25'	25'	4'	15'

(3) No portion of a freestanding sign shall be in, or project over, a public right-of-way, and the minimum setback shall be five (5) feet, subject to sight distance review at intersection and driveways.

(4) Single-occupancy complexes are allowed one (1) freestanding sign per street frontage.

(5) Multi-occupancy complexes are allowed one (1) freestanding sign per access driveway for the complex. However, multi-occupancy complexes with only one access driveway shall be allowed one (1) additional freestanding sign, as long as the freestanding sign advertises a different business or businesses located onsite and can be spaced at least one-hundred fifty (150) feet apart.

(6) All pole, or pylon, sign supports shall be enclosed or concealed in accordance with the design criteria outlined in subsection (10) of this section.

(7) Pole, or pylon, signs are prohibited in the NB, MU and REC zones.

(8) Pole, or pylon, signs are prohibited in the commercial and industrial zones located along the 88<sup>th</sup> Street NE, 116<sup>th</sup> Street NE and 156<sup>th</sup>/152<sup>nd</sup> Street NE corridors.

(9) Pole, or pylon, signs are prohibited on CB zoned properties located adjacent to 64<sup>th</sup> Street NE (SR 528) and 84<sup>th</sup> Street NE from approximately 83<sup>rd</sup> Avenue NE to SR 9.

(10) The base of a freestanding sign shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile or textured concrete, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

(11) The color, shape, material, lettering and other architectural details of freestanding signs shall be harmonious with the character of the primary structure.

(12) No angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design.

(13) One (1) square foot of landscaping is required per one (1) square foot of sign face. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The Community Development Director may reduce the landscaping requirement, where the signage incorporates stone, brick, or other decorative materials.



#### 22C.160.180

#### Development Standards – Electronic Message, Animated And Changeable Copy Signs

(1) Changeable copy by non-electronic means may be utilized on any permitted non-temporary sign.

(2) Animated signs are prohibited.

(3) One (1) electronic message or changeable copy sign is permitted per street frontage for single-occupancy complexes. Multi-occupancy complexes with only one access driveway shall be allowed one (1) additional electronic message or changeable copy sign, as long as the signs are spaced at least 150 feet apart.

(4) Electronic message signs are permitted, provided that the copy does not change more than once every twenty (20) seconds.

(5) Electronic message and changeable copy signs shall not exceed thirty (30%) percent of the allowable sign area.

(6) All electronic message and changeable copy signs shall be constructed as an integral part of a permanent sign constructed on site. "Integral" shall be considered to mean that the electronic message and changeable copy is incorporated into the framework and architectural design of the permanent sign.

(7) All electronic message signs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.



#### 22C.160.190

#### Development Standards – Instructional Signs

(1) Instructional, or directional signs shall be permitted in addition to all other signs, when they are of such size and location as to satisfy the intended instructional purpose and, based on their size, location, and intended purpose, will not constitute additional advertising.

(2) Instructional signs shall not exceed six (6) square feet per sign and may include the name of the business and logos.



**22C.160.200****Development Standards – Window Signs**

- (1) Permanent window signs shall not exceed twenty-five (25%) percent of the area of a window, and the total area of all window signs, including both permanent and temporary, shall not exceed fifty (50%) percent of the window area.
- (2) Window signs constructed of neon, stained glass, gold leaf, cut vinyl, and etched glass are allowed. Painted signs shall display the highest level of quality and permanence, as determined by the Community Development Director.

**22C.160.210****Development Standards – Blade/Bracket Signs**

Blade/Bracket Signs are allowed for commercial uses, subject to the following criteria:

- (1) **Projection:** Blade signs may project up to three (3) feet. Bracket signs shall have one (1) foot minimum between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building façade.
- (2) **Clearance:** Blade/bracket signs shall maintain a minimum clearance of eight (8) feet between the walkway and the bottom the sign.
- (3) **Dimensions:** Blade signs shall not exceed six (6) square feet in area. Bracket signs shall not exceed two (2) feet in height.
- (4) **Mounting:** Blade signs must avoid covering or modifying windows or other architectural features.
- (5) **Spacing:** There shall be twenty (20) feet minimum separation between blade/bracket signs.
- (6) **Design:** The color, shape, material, lettering and other architectural details shall be harmonious with the character of the primary structure. No angle irons, guy wires or braces shall be visible, except those that are an integral part of the overall design.

**22C.160.220****Development Standards – Gas Stations, Convenience Stores, Car Washes And Similar Uses**

- (1) Signage shall be an integral design element of a project and compatible with the exterior architecture with regard to location, scale, color and lettering.
- (2) Sign colors and materials shall match those of the building or the "corporate colors." Opaque or muted sign backgrounds with cabinet-type signs are encouraged.
- (3) No commercial signage shall occupy the pump island area. All instructional signs shall be architecturally integrated.
- (4) Gasoline price signs shall be architecturally integrated with other signs or structures.

**22C.160.230****Development Standards – Temporary And Special Event Signs**

(1) **Construction signs.** Construction signs, which identify the architects, engineers, contractors or other individuals or firms involved with the construction of a building and announce the character of the building or the purpose for which the building is intended, are permitted subject to the following criteria:

- (a) Such signs may be displayed only after a building permit is obtained and during the period of construction on the construction site.
- (b) Only one (1) sign is permitted per street frontage.
- (c) No construction sign shall exceed thirty-two (32) square feet per face.
- (d) No construction sign shall exceed twelve (12) feet in height.
- (e) Construction signs shall be setback a minimum of ten (10) feet from an interior property line.

(f) Construction signs shall be removed by the date of first occupancy of the premises or upon expiration of the building permit, whichever first occurs.

(2) **Grand opening displays.** Temporary signs, posters, banners, strings of lights, clusters of flags, balloons, searchlights and beacons are permitted for a period not to exceed sixty (60) days per calendar year to announce the opening of a completely new enterprise or the opening of an enterprise under new ownership. All such signs and materials shall be located on the premises being advertised and shall be completely removed immediately upon expiration of said sixty (60) day period.

(3) **Special Sales and Events.** Temporary signs, posters, banners, strings of lights, clusters of flags, balloons, searchlights and beacons are permitted for the limited purpose of announcing a retail sale or special event in business or commercial zones, but not on a routine basis. All such advertising material shall be located on the premises being advertised and shall be removed immediately upon expiration of said special sale or event.

(4) **Quitting Business Sales.** Temporary signs, posters and banners are permitted for a period of ninety (90) continuous days for the purpose of advertising quitting business sales, liquidation sales, or other events of a similar nature, which are authorized pursuant to [Chapter 5.52 MMC, Closing-out and Special Sales](#). All such signs shall be located on the premises being advertised and shall be removed immediately upon expiration of the ninety (90) day period or conclusion of the sale, whichever first occurs.

(5) **On-premises Commercial or Real estate signs.** All exterior real estate signs must be of a durable material. Only the following real estate signs are permitted:

(a) **Residential For Sale or Rent Signs.** Signs advertising residential property for sale or rent shall be limited to one (1) single-faced or double-faced sign per street frontage. Such signs shall not exceed four (4) square feet per face and must be placed wholly on the subject property. Such signs may remain up for one (1) year or until the property is sold or rented, whichever first occurs. A sold sign may remain up for ten (10) days after the occupancy of the residential property.

(b) **Commercial or Industrial for Sale or for Rent Signs.** Signs advertising commercial or industrial property for sale or rent shall be limited to one (1) single-faced or double-faced sign per street frontage. Signs may be displayed while the property is actually for sale or rent. The signs shall not exceed thirty-two (32) square feet per face. If freestanding, the signs shall not exceed twelve (12) feet in height and shall be located a minimum of ten (10) feet from any abutting interior property line and wholly on the property for sale or rent.

(c) **Subdivision signs.** Signs advertising residential subdivisions shall be limited to one (1) single-faced or double-faced sign per street frontage. Such signs shall not exceed thirty-two (32) square feet per face and shall not exceed twelve (12) feet in height. They shall be setback a minimum of ten (10) feet from any abutting interior property line and shall be wholly on the property being subdivided and sold.

(6) **Portable Commercial or Real Estate Signs.** Temporary signs advertising business locations or the sale or lease of commercial or residential premises are permitted only as follows:

(a) **Number:** The number of temporary portable commercial, real estate, and construction signs allowed shall be as follows, provided that nothing herein shall be construed as authorizing the display of signs otherwise prohibited under applicable provisions of this code:

(i) For any business or real estate unit located in the NB, CB, GC, DC, MU, BP, LI, GI, REC, P/I, WR-MU or WR-CB zoning districts, no more than one (1) temporary portable commercial or real estate sign shall be allowed for each business location or real estate unit offered for sale or lease, provided, that a maximum of one (1) temporary portable sign shall be allowed for any multi-unit complex notwithstanding the number of rental or dwelling units therein currently available for sale or lease, subject to the following location criteria:

(A) **Location:** Temporary portable commercial or real estate signs shall be located within twelve (12) feet of the applicable building entrance and maintain at least eight (8) feet of horizontal clearance on the sidewalk for pedestrian movement.

(ii) For any business or real estate unit located in the R-4.5, R-6.5, R-8, R-12, R-18, R-28, WR-R4-8 or WR-R6-18 zoning districts, no limit established on the number of allowed signs, but signs may only be placed at turning/decision points within the public right-of-way, and only one (1) each at each such location.

(b) **Size:** Commercial and real estate temporary portable signs shall not exceed ten (10) square feet per sign face, and no such sign shall contain more than two (2) sign faces. Commercial and real estate temporary portable signs shall not exceed six (6) feet in height, measured from the pre-existing ground level to the top of the sign.



(c) **Location:** No temporary portable commercial or real estate sign shall be located within vehicle lanes, bikeways, trails, sidewalks or median strips. No temporary portable commercial or real estate sign shall block driveways or be affixed to utility poles, fences, trees or traffic signs. No temporary portable commercial or real estate sign shall be strung between trees.

(d) **Festoons Prohibited:** The use of balloons, festoons, flags, pennants, lights or any other attached display on a commercial or real estate temporary portable sign is prohibited.

(e) **Animation Prohibited:** No commercial or real estate temporary portable sign shall be displayed while being rotated, waved, or otherwise in motion.

(f) **Duration:** Commercial temporary portable signs may be displayed only during daylight hours and when the commercial establishment to which they relate is open for business. Real estate temporary portable signs may be displayed only during daylight hours and when the real estate to which they relate is the subject of an open house or when a complex manager is available to show the unit.

(7) **Political signs.** A sign which exclusively and solely advertises a candidate or candidate's public elective office, a political party, or promotes a position on a public, social, or ballot issue may be displayed in accordance with the following restrictions:

(a) **On-Premises Signs:** On-premises political signs located at the headquarters of a political party, candidate for public elective office, or a public issue decided by ballot are permitted. All on-premises political signs shall comply with the dimensional and location requirements of the zoning district in which it is located.

(b) **Off-Premises Signs:** Permits for political signs are not required.

(i) **Location:** Political signs may not be placed on private property without the permission of the property owner. In parking strips and public rights-of-way where the placement of a political sign may be fairly attributed to a neighboring property owner, permission of that owner must first be obtained prior to placement. Political signs may not be located so as to impede driver vision or represent an obstruction or hazard to vehicular or pedestrian traffic.

(ii) **Prohibited on Public Property:** It is unlawful for any person to paste, paint, affix or fasten any political sign on a utility pole or on any public building or structure. No political sign placed within the public right-of-way shall create a safety hazard for pedestrians or motorists, as determined by the Police Chief and/or City Engineer.

(iii) **Time Limitations:** Political signs advertising a candidate for election or promoting a position on a ballot issue shall be removed within seven (7) days following an election.

(iv) **Responsibility for Compliance:** The persons(s) placing the political sign and the political candidate and/or campaign director shall be jointly responsible for compliance with this section.

(8) **Land Use Action Notice.** Where required pursuant to [Chapter 22G.010 MMC Article II – Public Notice Requirements](#), public notice signs which describe proposed land use actions and public hearing dates are permitted.

(9) **Signs on Kiosks.** Temporary signs on kiosks are permitted but the signs shall not exceed four (4) square feet in area.

(10) **Temporary Uses and Secondary Uses of Schools, Churches, or Community Buildings.** Temporary signs relating directly to allowed temporary uses under the City's development regulations and secondary uses of schools, churches, or community buildings may be permitted for a period not to exceed the operation of the use, subject to the following requirements:

(a) Signs must be portable in nature.

(b) No more than one (1) on-premises sign and one (1) off-premises sign shall be permitted per temporary use.

(c) No sign shall exceed ten (10) square feet per sign face.

(d) Maximum sign height shall be six (6) feet measured from the pre-existing ground level to the top of the sign.

(e) Signs shall not be portable readerboard types, electrical or neon. Only indirect lighting is allowed.

(f) A-board or sandwich signs may be used in compliance with this subsection provided they are used only during the days the temporary or secondary use occurs and are removed after the use ceases for each day.

(g) Signs shall be secured with an approved tie-down.

(h) Signs shall be approved by the Community Development Director before they are used. If a temporary use permit is required, this review shall take place as part of the temporary use application decision.

(11) **Alcohol Advertising.** Alcohol advertising shall comply with the provisions outlined in [Chapter 314-52 WAC Advertising](#), as amended.

(12) Any temporary sign not otherwise provided for under [subsections \(1\) through \(11\)](#) above shall comply with the development standards outlined in this Chapter.

(13) **Removal.** The Community Development Director or designee may immediately remove and dispose of unlawful temporary and special event signs at the expense of the person identified on such signs and/or the owner of the property on which said signs are located.

#### **22C.160.240 Nonconforming Signs**

(1) All existing signs in the city that were legally permitted and are not in compliance with the requirements of this chapter upon the effective date of the ordinance codified in this title are considered nonconforming signs. Nonconforming signs shall be made to conform with the requirements of this chapter under the following circumstances:

(a) When any new sign for which a sign permit is required by this chapter is proposed to be installed on a business site where a nonconforming sign or signs are located, one nonconforming sign of similar type as the proposed sign shall be removed or brought into conformance with this chapter for each new sign installed on a business site. For example, one existing nonconforming freestanding sign would need to be removed or brought into conformance for each new freestanding sign installed on a business site. A business site shall be considered both single-tenant and multi-tenant complexes. In no case shall an applicant be permitted signage that exceeds the maximum signage allowed in this chapter.

(b) A sign is relocated, altered, replaced, or changed in any way, including the sign structure. This provision does not include a change in the face of the sign or advertising copy.

(c) A sign requires repairs beyond normal maintenance.

(d) Whenever the occupancy classification of a building is changed that results in an intensification of land use, as determined by the Community Development Director.

(2) Normal maintenance such as cleaning, painting, light bulb replacement, or repair of broken placards, without any change in copy, is allowed so long as the repairs do not modify the sign structure or copy, or in any way structurally alter the sign. "Normal maintenance" does not include any of the items contained in [subsection \(1\)](#) of this section.

(3) All Temporary and Special Events signs that do not conform to the requirements of [Section 22C.160.230 MMC](#) shall be removed within six (6) months of the effective date of this title or, if located within an area being annexed to the city, within six (6) months of the effective date of annexation, whichever is later.

#### **22C.160.250 Amortization for Billboard Signs**

(1) **Compliance:** Any legal nonconforming billboard sign located within the corporate limits of the city shall be discontinued and removed from the property pursuant to this section no later than three (3) years from the date of adoption by ordinance.

(2) **Notice:** The city will provide written notice of the expiration of the amortization period, as noted above, to the person, resident, or business responsible for such sign(s) at the last known address and to the owner of the property on which the sign is located. The city will utilize the tax assessor's office to find the latest, updated address for the property owner(s) in question. Such notice will be provided by mail, postmarked no later than nine (9) months prior to expiration of the amortization period.

(3) **Request for Consideration/Extension:** The city has established the time period stated in [subsection \(1\)](#) of this section with the understanding that these time periods provide a reasonable time to recover the life expectancy of most signs. However, the city recognizes that there can be special or unusual circumstances that may fall outside of those parameters.

(a) Any person aggrieved by the imposition of the amortization clause may request review of the clause. The request for review shall be filed with the city not later than six (6) months prior to the expiration of the amortization period. The review shall be heard by the Hearing Examiner. A fee will be charged based on the processing costs as provided in [Chapter 22G.030 MMC](#).

(b) The aggrieved applicant has the burden of establishing the unreasonableness of the amortization period and must provide substantial evidence showing that the amortization period is unreasonable.

(c) The Hearing Examiner shall consider such things as lease obligations, remaining period of life expectancy of the nonconformance, depreciation, and the actual amount invested in the nonconforming sign.

(d) The Hearing Examiner shall consider the preservation and improvement of the city's physical environment, natural amenities, and desirable characteristics of the city as asserted in the purpose of the city's land use regulations as well as the goals and policies adopted in the city's comprehensive plan. The Hearing Examiner may consider any combination of these legitimate public concerns.

(e) The Hearing Examiner shall conduct a balancing of interest, considering the interest and hardship as to the applicant, and whether the hardship to the applicant reasonably overbalances the benefit that the public would derive from the termination of the nonconformance. If, after careful consideration, the Hearing Examiner determines that the amortization period, as applied to the applicant's nonconformance, would result in a greater hardship to the applicant than benefit to the public, the Hearing Examiner may extend the amortization period to a point in time when the balancing of interest would support the termination of the nonconformance. In no event should this amortization period be greater than three (3) additional years.

(4) **Annexations:** Any legal nonconforming billboard on property annexed into the city at a later date shall be discontinued and removed within three (3) years of the annexation or according to the annexation agreement established at the time of annexation. A three (3) year time extension may be approved by the Hearing Examiner, subject to the provisions contained in subsection (3) of this section.

#### **22C.160.260 Bonus Allowance for Outstanding Design**

(1) **Purpose:** A maximum fifty (50%) percent sign area bonus and a maximum twenty-five (25%) percent height bonus shall be allowed under any of the following circumstances:

(a) There are exceptional circumstances or conditions, such as location of existing structures, lot configuration, topographic or unique physical features, that apply to the subject property which prohibit sign visibility.

(b) New developments greater than ten (10) acres in size that wish to consolidate the allowable signage. A minimum of two (2) signs will be required to be consolidated for a bonus consideration.

(c) Contiguous or multi-tenant properties sharing the same street frontage that wish to consolidate allowable signage. A minimum of two (2) signs will be required to be consolidated for a bonus consideration.

(2) **Procedures:** A request for a bonus allowance may be granted by the Community Development Director subject to the approval criteria outlined in [subsection \(3\)](#) of this section. Appeal or request for reconsideration of the Director's decision shall be made to the Hearing Examiner as an open record hearing in accordance with [Chapter 22G.010 MMC Article VIII - Appeals](#).

(3) **Approval Criteria:** A bonus will be approved, if the Community Development Director finds that the criteria below are met:

(a) The adjustment will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign that will be inconsistent with the objectives of a sub-area master plan or special overlay district.

(b) The adjustment will not create a traffic or safety hazard.

(c) The adjustment will allow a unique sign of exceptional design or style that will:

(i) Achieve a positive and tasteful image;

(ii) Have good legibility;

(iii) Exhibit technical competence and quality in design, construction, and durability, and have standard details uncluttered by wires, angles, or other elements that detract from the appearance;

(iv) Relate to architectural features rather than obscure or disregard building planes;

(v) Present a harmonious relationship to other graphics and street furniture in the vicinity;

(vi) Be of a size that is in scale with the setting, building, or structure where located; and

(vii) Avoid glare.

(4) **Application Requirements:** An applicant requesting a bonus allowance under the provisions of this chapter shall submit the following:

(a) A letter in memorandum form outlining how the request is consistent with the criteria of this subsection.

(b) A site plan that is accurately drawn to an engineered scale that includes the following information:

- (i) Boundaries and dimensions of the site;
- (ii) Location of buildings, parking areas and adjacent streets;
- (iii) Graphic representations of all existing signs including their size, height and placement on the site;
- (iv) Graphic representation of the proposed sign(s) subject to the request; and
- (v) Building elevation showing the placement of the sign on that elevation, if applicable.

(5) **Timing:** The Community Development Director or designee shall render a written decision on the requested bonus for outstanding design within ten (10) business days of submittal of all required elements and filing fee.

(6) **Variance Required:** Requests that exceed the fifty (50%) percent sign area bonus and twenty-five (25%) percent height bonus, those that do not comply with the purpose outlined in subsection (1) of this section, or those not related to allowable sign height or sign area shall be processed as a variance in accordance with [Section 22C.160.270 MMC](#).

#### **22C.160.270 Variances**

Any person may apply for a variance from the requirements of this Chapter. Sign variances shall be processed by the Hearing Examiner pursuant to the procedure set forth in [Chapter 22G.060 MMC](#). Variance applications shall be processed pursuant to the review procedures outlined in [Chapter 22G.010 MMC](#). A fee will be charged based on processing costs as provided for in [Chapter 22G.030 MMC](#). In making any decision on a variance application, the permit authority must adopt findings of fact and conclusions based on those findings that address whether or not the application meets the following criteria for approval:

- (1) The variance does not conflict with the purpose and intent of the sign regulations;
- (2) The variance shall not constitute a grant of special privilege inconsistent with the limitation upon signage of other properties that have had to conform to the provisions of this chapter;
- (3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that are not contemplated or provided for by this chapter;
- (4) The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
- (5) The granting of such variance would not increase the number of signs allowed by this chapter or that would allow a type of sign that is prohibited by this chapter.

Conditions may be imposed upon the application as deemed necessary to ensure compatibility with this chapter.

#### **22C.160.280 Substitution**

Notwithstanding anything in this Chapter to the contrary, noncommercial copy expressing a personal, political, or religious point of view may be substituted for commercial copy on any lawful sign structure.



## Chapter 22C.170 MINI-STORAGE FACILITIES

### Sections:

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### 22C.170.010 Purpose

This chapter provides standards so that mini-storage facilities uses can be appropriately sited in close proximity to residential zones.

### 22C.170.020 Use Standards

Other uses on the site such as the rental of trucks or moving equipment must meet the use and development standards of the base zone, overlay zone, sub-area or master plan.

### 22C.170.030 Development Standards

Mini-storage facilities are permitted in the zones listed in [MMC 22C.020.060](#) subject to the following conditions:

- (1) The required setbacks are:
  - (a) street setback: fifteen (15) feet;
  - (b) interior setback: ten (10) feet;
- (2) Parking and internal drives are prohibited in setback areas.
- (3) The accesses are required to be gated and monitored at all times.

### 22C.170.040 Design Considerations

The following exterior design requirements apply to a mini-storage facility when located adjacent to or across a right-of-way from a residentially zoned or designated property.

#### (1) Architectural Features.

Architectural features are to be consistent with the character of the surrounding neighborhood. The following are minimum standards.

- (a) Minimum roof pitch is 4:12.
- (b) Exterior vertical surfaces require fifty percent of the area to be materials such as decorative brick veneer, stone, stucco, textured block, and other materials which reflect residential design elements.
- (c) Unique architectural features such as towers, turrets and pergolas are subject to the standards of this subsection. An applicant is required to demonstrate that the proposed architectural features are consistent with the neighborhood character.
- (d) Access points, except for emergency access, may not be from a local access street.
- (e) Fencing is required to be low-maintenance material and articulation at intervals no greater than twenty feet. Chain-link fencing is not permitted.
- (f) Display and floodlighting is required to be constructed, shielded and used so as not to directly illuminate, or create glare visible from, adjacent property or public right-of-way.
- (g) A building or series of buildings parallel with and adjacent to residentially zoned or developed property or street frontage must have staggered setbacks for every one-hundred (100) feet of lineal development. The setbacks shall be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation should be one foot, and the minimum width should be five feet. There must be at least ten feet of separation between buildings.

#### (2) Landscaping and Screening.

The following landscaping and screening requirements apply to all mini-storage facilities:

- (a) All setback areas shall be landscaped with a variety of trees, shrubs and ground cover plants consistent with L2 landscaping as defined under [Chapter 22C.120 MMC](#), Landscaping and Screening.

- (b) A solid wall, a screening fence or a combination of both achieving a perimeter screening to a minimum of six feet in height is required and shall be located so that a minimum of seventy-five percent of the landscaping area is outside the fence.

- (c) All use of the site shall comply with the City noise standards stated in [Chapter 6.76 MMC](#).

**Chapter 22C.180****ACCESSORY STRUCTURES****Sections:**

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22C.180.020	Accessory structure standards.....	130
22C.180.030	Accessory dwelling unit standards.....	131

**22C.180.010****Purpose.**

The purpose of this chapter is to allow for residential accessory structures, including secondary dwelling units, to be established which are incidental to the primary residential use of a single-family residence, while ensuring compatibility with surrounding single-family uses. The accessory structure must be clearly secondary to the primary use. Accessory structures or uses may not be established until the principal structure is constructed on the property.

**22C.180.020****Accessory structure standards.**

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided, that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards set forth in [MMC 22C.180.030](#):

(1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:

- (a) The footprint of all detached accessory structures shall not exceed the lesser of:
  - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R4-8 zones, or 20 percent of the total lot area in the R-12-28 and WR-R6-18 zones; or
  - (ii) Eighty percent of the footprint of the primary residential structure;
  - (iii) The community development director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.

(b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.

(2) A detached garage, carport or other permitted accessory building may be located in the rear yard; provided, that:

- (a) Not more than 50 percent of the required rear setback area is covered; and
- (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
- (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and

(d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in [subsections \(2\)\(b\) and \(c\)](#) of this section may be reduced to two feet from the rear lot line; provided, that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the city engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback; provided, that the right-of-way is 20 feet in width; and

(e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and

(f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.

(3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard, only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:

(a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:

(i) The accessory structure shall be consistent with the architectural character of the principal structure; and

(ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and

(iii) Detached accessory structures located in the front or side yard shall provide the minimum required yard setback for principal structures in the zone.

(4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in [subsection \(1\)](#) of this section; provided, that the accessory structure(s) shall be compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

#### **22C.180.030 Accessory dwelling unit standards.**

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling, or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in [Chapter 22C.110 MMC](#), is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner, and recorded against the property as part of the application process.

(3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the original single-family dwelling, and shall comply with the density and dimensional requirements set forth in [MMC 22C.010.080](#). In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(4) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

(5) One off-street parking space shall be provided and designated for the accessory apartment (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

(6) An owner-occupant of a single-family dwelling with an accessory apartment shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory apartment and shall renew the

declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(7) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(8) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.

**Chapter 22C.190 HOME OCCUPATIONS****Sections:**

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22C.190.020	Home occupation standards. ....	133

**22C.190.010 Purpose.**

The purpose of this chapter is to allow small scale commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.

**22C.190.020 Home occupation standards.**

(1) Home occupations are permitted as an accessory use to the residential use of a property only when all of the following conditions are met:

- (a) The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit or 600 square feet, whichever is less;
- (b) The home occupation may be located in the principal dwelling or in an accessory structure. If located in an accessory structure, the area devoted to the occupation, as described in subsection (1)(a) of this section, shall be based upon the floor area of the dwelling only;
- (c) Not more than one person outside of the family shall be employed on the premises;
- (d) The home occupation shall in no way alter the normal residential character of the premises;
- (e) The home occupation(s) shall not use electrical or mechanical equipment that results in:
  - (i) A change to the fire rating of the structure(s) used for the home occupation(s),
  - (ii) Visual or audible interference in radio or television receivers, or electronic equipment located off-premises, or
  - (iii) Fluctuations in line voltage off-premises;
- (f) No equipment or material may be stored, altered or repaired on any exterior portion of the premises;
- (g) Sales shall be limited to merchandise which is produced on the premises and/or mail order, internet and telephone sales with off-site delivery;
- (h) Services to patrons shall be arranged by appointment or provided off-site;
- (i) The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:
  - (i) No more than one such vehicle shall be allowed,
  - (ii) Such vehicle shall not park within any required setback areas of the lot or on adjacent streets, and
  - (iii) Such vehicle shall not exceed a manufacturer's gross vehicle weight in excess of 16,000 pounds, a length in excess of twenty (20) feet, or a width in excess of eight (8) feet;
- (j) Signs in connection with the home occupation shall comply with the restrictions of MMC 22C.160.150(9);
- (k) No sales or services will be conducted on the premises which will generate more than 10 average daily round trips per day by customers.

(2) A home occupation permit issued to one person shall not be transferable to any other person; nor shall a home occupation permit be valid at any other address than the one listed on the permit.

(3) In granting approval for a home occupation, the reviewing official may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood.

(4) Any home occupation authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.

(5) The community development director shall have authority to administratively grant a minor modification to the standards listed in subsections (1)(a) and/or (c) of this section, provided the use is consistent with the purposes of this chapter and will be operated in harmony with the character of a residential neighborhood. Minor modifications shall be limited to the home occupations standards in subsections (1)(a) and (c) of this section, provided they create no significant impacts to the residential

neighborhood. The community development director is authorized to approve minor modifications only in cases of unique circumstances such as large property acreage, remote site access or site location, or small scale of use, when these circumstances ensure the commercial operation remains incidental to the dwelling and in no way alters the normal residential character of the premises. No variance shall be granted which would be detrimental to public health, welfare or environment.

**Chapter 22C.200****DAY CARE STANDARDS.****Sections:**

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**22C.200.010****Purpose.**

The purpose of this chapter is to facilitate unobtrusive Day Care 1 facilities, which include family day care homes, adult day cares and adult family care uses within a residence when such facility is accessory to the residential use while guaranteeing all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.

**22C.200.020****Development Standards.**

The following restrictions apply to Day Care 1 facilities:

- (1) Home day care and adult family care facilities shall meet the state licensing requirements, including those pertaining to building, fire safety and health codes. A copy of the required state license, if applicable, shall be furnished by the applicant with the business license application.
- (2) There shall be no change in the outside appearance of the residence, other than one flat, unlighted sign, not exceeding six square feet, mounted flush against the building.
- (3) Where outdoor recreation facilities are provided for children in day care facilities, they shall be screened by a fence at least four feet high where abutting residentially zoned property.
- (4) The facility shall provide a safe passenger loading area.
- (5) The day care provider shall provide written notification to immediately adjoining property owners of the intent to locate and maintain a facility.

**22C.200.030****Permit Required.**

A Day Care 1 home occupation permit is required, subject to the following conditions:

- (1) A Day Care 1 home occupation permit issued to one person shall not be transferable to any other person; nor shall a Day Care 1 home occupation permit be valid at any other address than the one listed on the permit.
- (2) In granting approval for a Day Care 1 home occupation, the Community Development Director, or designee, may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood.
- (3) Any Day Care 1 home occupation authorized under the provisions of this chapter shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this title.

**Chapter 22C.210****BED AND BREAKFASTS****Sections:**

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22C.210.020	Bed and breakfast inn and guesthouse standards. ....	136

**22C.210.010****Purpose.**

The purpose of this chapter is to allow for small scale commercial lodging in residential or commercial areas, and establishing performance standards to ensure compatibility when being conducted in residential neighborhoods.

**22C.210.020****Bed and breakfast inn and guesthouse standards.**

- (1) Where bed and breakfast inns and bed and breakfast guesthouses are allowed in the same zone, only one or the other of these facilities may be located on a subject property at the same time. An approved bed and breakfast guesthouse may be expanded to a bed and breakfast inn if a conditional use application for an inn is obtained and the original permit for the guesthouse is vacated.
- (2) Submittal plan requirements to accompany a conditional use application:
  - (a) **Site Plan Requirements.** The site plan shall indicate the location of the off-street parking, proposed screening, the location and size of the bed and breakfast inn, and any proposed new construction to the premises, including additions, remodeling and/or outbuildings.
  - (b) **Architectural Requirements.** For new construction only, the following shall apply:
    - (i) The applicant shall submit proposed architectural drawings and renderings of the proposed structure, including exterior elevations, which shall project a residential, rather than a commercial appearance. This architectural documentation shall be in sufficient detail to demonstrate discernible compatibility between the new construction and the existing on-site development and structures; provided further, the applicant also shall document a design which, in scale and bulk, is in keeping with existing buildings on adjacent properties and compatible with the surrounding character and neighborhood in which the guesthouse or inn is located.
    - (ii) If an outbuilding or outbuildings are proposed, a grading plan, showing the extent of clearing activity is required. Site design shall be sensitive to the natural features of the site. The use of manufactured and mobile homes is prohibited.
  - (c) **Screening.** The owner/operator shall provide screening with shrubs, trees, fencing and other suitable materials as necessary to minimize the impacts upon the residential character of the surrounding neighborhood.
  - (d) **Floor Plan.** The floor plan shall indicate bathrooms to be used by guests and the location and number of guest rooms.
- (3) **Minimum Performance Standards.**
  - (a) Parking requirements shall be in accordance with [Chapter 22C.130 MMC, \*Parking and Loading\*](#). No on-street parking shall be allowed.
  - (b) Meal service shall be limited to overnight guests of the establishment. Kitchens shall not be allowed in individual guest rooms.
  - (c) The owner shall operate the facility and reside on the premises.
  - (d) Business identification and advertising signs shall comply with [Chapter 22C.160 MMC, \*Signs\*](#).
  - (e) The bed and breakfast establishment shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, except as to the allowed signage, that would be incompatible with the ability of the neighboring residents to enjoy peaceful occupancy of their properties.
  - (f) Guests shall be permitted to stay at the establishment for not more than ten (10) consecutive days at a time.
  - (g) The applicant shall comply with all applicable city codes for fire, health and building requirements and any applicable food service regulations and on-site sewage disposal requirements of the Snohomish health district.
  - (h) If three (3) or more guest rooms are proposed, the applicant shall also meet state requirements for a "transient accommodation license," as required by [Chapter 70.62 RCW](#), as now written or hereafter amended.
  - (i) Bed and breakfast houses shall be permitted where indicated by the permitted use table for individual zones and within homes on the National or State Historic Register in any zone.



**Chapter 22C.220****MASTER PLANNED SENIOR COMMUNITIES****Sections:**

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**22C.220.010****Intent and purpose.**

This chapter is intended to provide for developments that incorporate a variety of housing, care options, and related uses for senior citizens. Developments may consist of individual lots or may have common building sites. It is further intended that commonly owned land be related to and preserve the long-term value of the development. This chapter is not intended to be used for the development of a single use or housing type, which would otherwise be permitted in other zones under the regular zoning provisions.

In addition, the purpose of this chapter is as follows:

- (1) To allow the development of unique communities in residential, commercial and public/institutional zones that are designed to accommodate the increased housing needs of senior citizens and disabled persons, through the provision of a variety of housing types, services and continuum of care, including independent senior housing, assisted living and nursing care, as well as recreation, dining and on-site medical facilities and services.
- (2) To encourage long-time Marysville residents to remain in the community.
- (3) To encourage/implement active aging strategies within senior communities.
- (4) To ensure that the requirements of the Americans with Disabilities Act (ADA) and universal design principles are incorporated within senior communities.
- (5) To ensure that affordable and special needs housing opportunities are dispersed throughout the city, not concentrated.
- (6) To permit higher densities for senior housing that provides amenities and services.
- (7) To assist in meeting Snohomish County Tomorrow Fair Share Housing Allocation targets for special needs housing and services.

**22C.220.020****Applicability.**

An applicant may request to utilize the master planned senior community provisions if the site meets the site qualification criteria of this chapter and concurrently utilizes a land division process or a commercial/multifamily site plan.

**22C.220.030****Master planned senior community – Site qualifications.**

A master planned senior community (MPSC) may be established at a particular location if the following site qualifications are met:

- (1) The site development must incorporate a range of housing and care options for seniors, including a mix of independent senior housing, senior assisted living and nursing facilities. At the discretion of the community development director, a development providing for a range of care types, but not necessarily all of those listed in this subsection, may be permitted, subject to satisfactory demonstration by the applicant that the resulting community meets the intent and purpose of these regulations.
- (2) The site must be served by adequate public facilities, including public sewers, water supply, roads and other needed public facilities and services.
- (3) The site must have close proximity to existing or planned services.
- (4) The site shall be a minimum of 20 units, with at least 50 percent of all units in the community being senior apartments/multifamily, assisted living or nursing home/convalescent care units or beds.

**22C.220.040 Permitted uses.**

The following uses are permitted in master planned senior communities:

- (1) Age-restricted, independent housing, attached or detached.
- (2) Age-restricted, independent apartments, townhomes or condos (multifamily units).
- (3) Senior citizen assisted living dwelling units/facilities.
- (4) Convalescent, nursing, rest homes.
- (5) Accessory uses. Services and businesses that serve the residents of the senior community, including recreational, educational, health, personal, professional and business services and retail stores shall be permitted. In residential zones, these uses shall be sized for and used solely by residents of the community. Such uses shall be integrated with the units and oriented towards the interior of the project; no signs or other evidence of business facilities shall be visible from the periphery of the community.

**22C.220.050 Procedures for review and approval.**

The master planned senior community review and approval process shall occur concurrently with the underlying land use action. The decision-making authority for the underlying land use action shall also be the decision-making authority for the MPSC.

(1) Site Plan. A site plan meeting the requirements of this chapter, [Chapter\(s\) 22C.010 and 22C.020 MMC](#), and, when applicable, [Chapter\(s\) 22G.090 and 22G.100 MMC](#), shall be submitted with all applications for a MPSC. The site plan may be approved, approved with conditions, or denied by the city. Specific development regulations may be modified in accordance with this chapter, and special requirements may be applied to the property within the MPSC. Modifications and special requirements shall be specified in the approval and shown on the approved site plan.

(2) Decision Criteria. It is the responsibility of the applicant to demonstrate the criteria in this subsection have been met. The city may place conditions on the MPSC approval in order to fulfill the requirements and intent of the city's development regulations, comprehensive plan, and subarea plan(s). The following minimum criteria must be met for approval to be granted:

(a) Consistency with Applicable Plans and Laws. The development will comply with all applicable provisions of state law, the Marysville Municipal Code, the comprehensive plan, and any applicable subarea plan(s).

(b) Public Facilities. The community shall be served by adequate public facilities, including streets, bicycle and pedestrian facilities, fire protection, water, storm water control, sanitary sewer, and parks and recreation facilities.

(c) Perimeter Design. The perimeter of the master planned senior community shall be compatible in design, character, and appearance with the existing or intended character of development adjacent to the subject property and with the physical characteristics of the subject property.

(d) Streets, Sidewalks and Parking. Existing and proposed streets and sidewalks within the development shall be suitable and adequate to carry anticipated motorized and pedestrian traffic within the proposed project and in the vicinity of the subject property. Adequate parking shall be provided to meet or exceed the applicable requirements of the Marysville Municipal Code.

(e) Landscaping shall be provided for public and semi-public spaces and shall integrate them with private spaces. Landscaping shall create a pleasant streetscape and provide connectivity between homes, facilities, and common areas, using trees, shrubs and groundcover throughout the development and providing for shade and visual relief while maintaining a clear line of sight throughout the public and semi-public spaces.

(f) Maintenance Provisions. A means of maintaining all common areas, such as a homeowner's association, shall be established, and legal instruments shall be executed to provide maintenance funds and enforcement provisions.

(3) Amendments. An approved MPSC may be amended in accordance with the applicable provisions of the Marysville Municipal Code.

(4) Duration of Approval. The duration of approval for a MPSC shall be the same as the underlying land use action, plat, or binding site plan.

(5) Compliance. Any use of land, which requires MPSC approval, as provided in this chapter, and for which approval is not obtained, or which fails to conform to an approved MPSC and final site plan, constitutes a violation of this title.

**22C.220.060 Required elements of master planned senior community site plan and application.**

All MPSCs shall be subject to site plan approval as provided in this chapter. The following are minimum requirements for the site plan and supplemental application materials:

- (1) A site plan drawing, showing property dimensions and boundaries, existing and proposed topography, critical areas, proposed access to the site, size and shape of all building sites and lots, and location of all building pads and open space areas;
- (2) A written explanation of the desired age restriction for the community;
- (3) Calculation of total project land area and net project density;
- (4) The total number of proposed dwelling units/beds and a description of the housing type for each such unit;
- (5) Existing development within 200 feet of the site;
- (6) The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street channelization and type of surfaces;
- (7) Landscaping plan, including plant locations and species size at planting, together with location and typical side view of perimeter fencing or berms, if any;
- (8) Plans for all attached dwellings, multiple-family dwellings and assisted living and nursing facilities, and related improvements, to a scale of not less than one inch to 50 feet, showing typical plot plans for each such building, including location of building entrance, driveway, parking, fencing and site screening, and typical elevations of each type of building, including identification of exterior building materials, and roof treatment;
- (9) Plans for signing and lighting, including typical side view of entrance treatment and entrance signs;
- (10) The location of all solid waste collection points, proposed meter locations, water mains, valves, fire hydrants, sewer mains, laterals, manholes, pump stations, and other appurtenances;
- (11) Conceptual drainage plans demonstrating feasibility of the proposed facilities;
- (12) Project staging or phases, if any;
- (13) Draft restrictive covenants including provisions to address enforcement of age restrictions, affordability requirements, parking, ongoing maintenance of open space, recreation facilities and common areas;
- (14) Design analysis to demonstrate the relationship of the development to surrounding land uses, with cross sections, renderings or elevation drawings showing the scale and character of the development;
- (15) Descriptions of the design features and general size and layout of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted must indicate how the use of universal design features will make individual dwelling units adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking area, sidewalks, dwelling units, and common areas; and
- (16) Such additional information as the city may deem necessary.

**22C.220.070 Affordability – Low-income housing units.**

(1) **Covenant and Duration.** An agreement in a form approved by the city must be recorded on the property requiring affordable dwelling units which are provided under the provisions of this section to remain as affordable housing for the life of the project. The agreement shall also specify aspects of renter and/or buyer eligibility, rent and/or sales price levels and requirements for reporting to the city or authorized housing agency and shall be recorded at final approval. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

(2) **Affordability Criteria.**

(a) At least 10 percent of the total dwelling units developed shall be available at affordable housing costs and occupied by low-income households, as defined by this chapter. This applies to both rental and ownership projects.

(b) For the purposes of this chapter, affordable housing is defined as “rental housing having total housing costs, including basic utilities, that do not exceed 30 percent of the income limit for the housing unit; or ownership housing having total housing costs, including basic utilities, that do not exceed 80 percent of the county median family income, as adjusted for family size as reported annually by the U.S. Department of Housing and Urban Development.”

(c) Rental housing units shall be permanently priced and occupied by households with a total household income at or below 50 percent of the Snohomish County median family income, as adjusted for family size.

(d) Affordable ownership units shall be reserved for income- and asset-qualified home buyers with a total household income at or below 80 percent of the Snohomish County median family income, as adjusted for family size. Affordable units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards.

(e) Required affordable housing shall be provided in a range of sizes comparable to other units within the development and, to the extent practicable, the number of bedrooms in the affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as other units in the development.

#### **22C.220.080 Age requirements.**

At least one household member must be 55 years of age or older.

#### **22C.220.090 Development regulations.**

(1) Existing amenities (e.g., views, mature trees, etc.) that are unique to the site should be preserved and incorporated into the project's design whenever possible.

(2) When a MPSC project adjoining residential and commercial uses can mutually benefit from connection rather than separation, appropriate connective elements (e.g., walkways) should be provided.

(3) The site shall be designed and developed utilizing crime prevention through environmental design (CPTED) principles as set forth in [MMC 22C.010.290](#) and [MMC 22C.020.250](#).

(4) Building Design and Layout.

(a) Development of the site is subject to compliance with development standards outlined in [Chapter\(s\) 22C.010](#) and [22C.020 MMC](#).

(b) When a master planned senior community is located within, or adjacent to, single-family residential zones and is, or may be, surrounded by traditional single-family development, the community shall be designed and developed so as to be consistent with a single-family residential environment. Larger scale (i.e., multi-unit buildings, nursing care facilities) buildings shall be located on the site so as to least impact surrounding single-family uses and to create a consistent streetscape that is in the desired character for a residential area.

(c) When a master planned senior community is located within, or adjacent to, commercial or multifamily zones and is or may be surrounded by traditional commercial or multifamily development, any multi-unit buildings and nursing care facilities on the site shall be placed to consider the visual continuity between the proposed and existing adjacent development with respect to building setbacks and placement of structures to create a consistent streetscape.

(d) Multiple buildings in a single project should provide a functional relationship with one another to achieve a sense of place by use of the following techniques:

(i) Cluster buildings around open space areas or courtyards, not parking lots.

(ii) Provide open space areas and courtyards with landscaping and other pedestrian amenities.

(iii) Provide convenient pedestrian circulation between buildings, open space, and parking areas.

(iv) Link buildings together visually, using such elements as trellis structures, arcades, and/or enhanced paving.

(v) Where feasible and desirable, locate buildings near public streets, thus creating a strong presence thereon.

(5) Building and Unit Design. Universal design (also known as "aging in place") is a method of design that seeks to create development that can be used by everyone, regardless of age or physical condition. All projects shall implement, at minimum, the following universal design principles:

(a) No-step entries.

(b) One-story living such that an eating area, bathroom, and sleeping area are available on the same floor.

(c) ADA accessible doors, hallways and bathrooms.

(d) Room thresholds that are flush.

(e) Adequate lighting throughout the dwelling unit.

(6) Architectural Style and Design Guidelines. Multifamily and nursing/assisted living facilities shall comply with [MMC 22C.010.290](#) and [MMC 22C.020.250](#). Attached/detached single-family dwelling units shall comply with [MMC 22C.010.310](#).

(7) Utility and Mechanical Equipment.

(a) All mechanical equipment shall be architecturally screened from view.

(b) Utility equipment (e.g., electric and gas meters, electrical panels, and junction boxes) should be located in utility rooms within the structure or utility cabinets with exterior access.

(8) Solid Waste and Recycling. Developments shall provide storage space and collection points for solid waste and recyclables in accordance with [Chapter 7.08 MMC](#), [MMC 22C.010.370](#) and [MMC 22C.020.320](#).

(9) Parking and Circulation.

(a) Project entries should provide the resident and visitor with an overview of the project through either an easy visual assessment (in smaller projects) or by providing signage or placards that illustrate the circulation, parking, building, and amenity layout of the project.

(b) The principal vehicular access should be through an entry drive rather than a parking aisle, when possible. Colored, textured paving treatment at entry drives together with lush landscaping is strongly encouraged.

(c) The number of required off-street parking stalls shall be in accordance with [MMC 22C.130.030](#). The community development director may approve alternative parking requirements upon satisfactory demonstration by the applicant that the site will have adequate parking to serve all proposed uses and/or that the community is located within walking distance of a neighborhood center that offers a variety of services and a safe walking route is provided.

(d) If parking is not attached to the residential structures, covered carports and dispersed parking courts are the desired alternative.

(e) A parking court should not consist of more than two double-loaded parking aisles (bays) adjacent to each other.

(f) Carports should provide no more than five parking spaces within each structure. The structures should be constructed with material consistent with those used in building construction.

(g) All parking standards identified in [Chapter 22C.130 MMC](#), Parking and Loading, shall apply, except as may be specified herein.

(10) Pedestrian Access.

(a) Drop-off points should be provided at major building entries and plaza areas.

(b) The project should be designed to minimize the need for pedestrians to cross parking aisles and landscape islands to reach building entries.

(c) Stamped or painted concrete walkways should be provided in areas where it is necessary for pedestrians to cross drive or parking aisles.

(d) All projects shall provide a clear connection between the on-site pedestrian circulation system and the off-site public sidewalk.

(11) Landscaping. Landscaping shall comply with [Chapter 22C.120](#), Landscaping and Screening, except as may be specified herein.

(12) Public Transportation Amenities.

(a) A sheltered bus stop with a canopy provided with architecture consistent with the project shall be provided, if required in coordination with local transit agencies.

(b) In cases when a public bus stop is, or may be in the future, located within the frontage of a proposed site, a bus stop or cover shall be provided.

(13) On-Site Common Recreational Facilities.

(a) Recreational amenities shall be appropriately distributed throughout the community. Such facilities shall consist of open or enclosed areas for residents of the community to congregate for recreation and leisure. Structures with multiple-family style dwelling units (i.e., independent senior housing apartment units, assisted living dwelling units, etc.) shall provide open space or active or indoor recreation space consistent with the following chart:

Type of Dwelling Unit	Outdoor Open Space	Active Outdoor or Indoor Recreation Facility
Studio and one bedroom	90 square feet per unit	45 square feet per unit
Two bedroom	130 square feet per unit	65 square feet per unit

Three or more bedroom	170 square feet per unit	85 square feet per unit
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(b) The following standards shall be utilized for outdoor recreational facilities:

(i) The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent street or other incompatible uses.

(ii) Each outdoor open space area should have a focal point. The focal point may consist of, but need not be limited to, water fountains, landscape planters, monuments, waterways, view points, artwork, trellises or gazebos. The focal point of all open space areas shall complement one another by maintaining a common theme, consistent furnishing, and signage.

(iii) On-site outdoor recreation space shall:

- (A) Be of a grade and surface suitable for recreation;
- (B) Be one continuous parcel if less than 3,000 square feet in size;
- (C) Have no dimension less than 30 feet (except trail segments);
- (D) Be situated and designed to be visible from adjacent buildings and

uses on site; and

(E) Be accessible and convenient to all residents within the development.

(iv) The required amount of on-site common recreation space may be reduced by the community development director, if it is demonstrated that the facilities provided on site will offer residents with exceptional opportunities to participate in active aging (i.e., physical activity programs, trails, tennis courts, swimming pools, or other amenities deemed appropriate), and/or if it is demonstrated that the community is located within walking distance of a pedestrian-friendly neighborhood center and a safe walking route is provided.

(14) Private Open Space. Each single-family attached or detached dwelling unit shall be provided a private open space area, free and clear of any attached or detached accessory structures, as follows:

(a) Each unit shall be provided 100 square feet of private yard with a minimum interior dimension of 10 feet.

(b) The required amount of private open space may be reduced by the community development director as provided in [subsection \(13\)\(b\)\(iv\)](#) of this section.

(15) Covenant and Duration. An agreement in a form approved by the city must be recorded on the property requiring that the provisions of this chapter, including age restrictions and site plan approval, be maintained for the life of the project. The agreement shall be recorded prior to building permit issuance. This agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.

#### **22C.220.100 Modification of development regulations.**

The city's standard development regulations shall be modified for a master planned senior community as provided in this section.

(1) Density and Dimensions. The standard dimensional regulations shall apply to all lots and development in a master planned senior community, except as specifically modified below and as provided in the design review standards in [Chapter\(s\) 22C.010, 22C.020 MMC](#) and/or [Chapter 22G.080 MMC](#). The density permitted is modified as follows:

(a) Modified Density Standards:

	Residential zones	Commercial zones
<b>Maximum density: Dwelling unit/acre</b>	As per the underlying zone plus 20%.	None

(b) When projects are proposed on sites that encompass multiple zones, the density built on each zone will be limited to that of the underlying allowed density for each zone.

(2) Maximum Building Height. Outside of Planning Area 1, buildings or portions of buildings located within 50 feet of a property that is zoned single-family, or where the predominant adjacent use is single-family, shall be limited to a maximum height of 30 feet.

(3) Street Standards. When multiple detached single-family or duplex units are proposed, the project shall meet residential right-of-way and access standards as set forth in the Marysville Municipal Code and engineering development and design standards (EDDS). An applicant may request to utilize the city's PRD access street standards, which may be allowed at the discretion of the community development director.

(4) Open Space. Open space requirements may be modified consistent with this chapter.

(5) Additional Modifications. An applicant may request additional dimensional, open space, street, and design standard modifications beyond those provided in this section. Granting of the requested modification(s) will be based on innovative and exceptional architectural design features and/or innovative and exceptional site design and layout that contribute to achieving the purpose of this chapter.



**Chapter 22C.230****MOBILE HOME PARKS****Sections:**

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**22C.230.010****Purpose.**

The purpose of this chapter shall be to ensure a suitable living environment for owners of mobile/manufactured homes located within mobile/manufactured home parks. The following standards and regulations are necessary for the health, safety, general welfare and convenience of the inhabitants of the city of Marysville.

**22C.230.020****General requirements.**

- (1) Mobile/manufactured homes shall be used for residential purposes only, except for limited home occupations as provided for in [Chapter 22C.190 MMC](#), and except in cases of temporary uses as defined in [Chapter 22C.110 MMC](#), subject to strict compliance with the requirements of said chapter.
- (2) No space shall be rented for any purpose within a mobile/manufactured home park except for a permanent residence.
- (3) No person, company or corporation shall establish a new mobile/manufactured home park, or enlarge the size of or increase the allowed density of an existing mobile/manufactured home park, without first complying with the provisions of this chapter.

**22C.230.030****Mobile/manufactured home park zone.**

There is created a mobile/manufactured home park zone (MHP) which shall be construed as an overlay classification which may be enacted for any area within the city zoned in the multiple-family residential classification (R-12-R-28), or planned residential development classification (PRD 4.5-PRD 8).

- (1) Purpose. The purposes of the MHP classification are:

- (a) To provide a suitable living environment within a park-like atmosphere for persons residing in mobile/manufactured homes;
- (b) To encourage variety in housing styles within areas designated for other residential development;
- (c) To permit flexibility in the placement of mobile/manufactured homes on a site in order to minimize costs associated with development of roads, utilities, walkways and parking facilities, while providing adequate common and private open space.

- (2) Permitted Uses. In the MHP zone the following uses are permitted:

- (a) Mobile/manufactured home parks, subject to the requirements of this chapter;
- (b) Mobile/manufactured homes, located only within an approved mobile/manufactured home park;
- (c) Accessory uses and structures as provided in [MMC 22C.010.060](#) and [MMC 22C.020.060](#);
- (d) Recreational facilities located within and primarily for the use of residents of an approved mobile/manufactured home park;
- (e) Recreational vehicle and boat storage facilities located within and limited to use by residents of an approved mobile/manufactured home park.

**22C.230.040 Procedures for review and approval.**

- (1) **Rezone.** For an MHP overlay zoning classification to be enacted, all procedural requirements, including filing fees specified in [Title 22G MMC](#), shall be complied with in full.
- (2) **Conditional Use Permit.** A mobile home park shall be allowed in a single-family residential zone only upon approval of a PRD rezone and the issuance of a conditional use permit by the city. The owner, operator and occupants of a mobile home park shall develop and use the park in strict compliance with the conditions imposed by the permit. The agency issuing the permit shall maintain continuing jurisdiction for the review and enforcement of said conditions.
- (3) **Preliminary Site Plan.** A preliminary site plan meeting the requirements of [MMC 22C.230.060\(1\)](#) shall be submitted with all applications for MHP rezones. Said site plan shall be subject to review, modification, approval or denial by the city council as an integral part of the MHP rezone process. There shall be no clearing, grading, construction or other development activities commenced on an approved mobile/manufactured home park until a preliminary site plan is upgraded to a binding site plan, and the same is approved and filed.
- (4) **Final Site Plan.** Following final approval by the city council of an MHP rezone, but before development activities commence on the property, the owner shall submit a final site plan meeting the requirements of [MMC 22C.230.060\(2\)](#). The city staff shall review the final site plan to determine whether it conforms to the approved preliminary site plan, the MHP rezone, and applicable state laws and city ordinances which were in effect at the time of the rezone approval. Upon such conformity being found the final site plan shall be signed by the community development director. An approved final site plan shall constitute an integral part of an MHP zoning overlay, and shall be binding upon the owner of the property, its successors and assigns. All development within a mobile/manufactured home park shall be consistent with the final site plan.
- (5) **Subdivision Exemption.** If a mobile/manufactured home park remains completely under single ownership or control, including ownership by a condominium association, compliance with an approved MHP rezone and final site plan shall preclude the necessity to plat the park or comply with any subdivision laws or ordinances.
- (6) **Amendment of Final Site Plan.** An approved final site plan may be modified or amended at the request of the applicant upon receiving administrative approval by the community development director; provided, that if said modification or amendment affects the external impacts of the mobile/manufactured home park, or is determined by the community development director to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner and city council as a rezone application pursuant to [Chapter 22G.010 MMC Article VI Land Use Application – Decision Criteria](#).
- (7) **Duration of Approval.** An MHP rezone and the final site plan which is an integral part thereof shall be effective for three years from the date of approval of the rezone by the city council. An applicant who files a written request with the city council at least 30 days before the expiration of said approval period shall be granted a one-year extension upon a showing that the applicant has attempted in good faith to progress with the development of the park. During the approval period all improvements required by the final site plan shall be completed or bonded. Bonding shall conform to the bonding requirements for plats specified in [Chapter 22G.040 MMC](#).
- (8) **Completion Prior to Occupancy.** All required improvements and other conditions of the MHP rezone and final site plan approval shall be met prior to occupancy of any site by a mobile/manufactured home; provided, that completion may be accomplished by phases if approved by the community development director and security for performance in accordance with the provisions of [Chapter 22G.040 MMC](#) and acceptable to the community development director is received by the city. The community development director may also require security for maintenance for a period of up to five years in accordance with the provisions of [Chapter 22G.040 MMC](#).
- (9) **Compliance.** Any use of land which requires an MHP rezone and final site plan approval, as provided in this chapter, and for which such review and approval is not obtained, or which fails to conform to an approved MHP rezone and final site plan, constitutes a violation of this title.
- (10) **Health District Approval.** Prior to occupancy of a mobile/manufactured home park, the owner shall obtain a permit from the Snohomish health district and comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, subject to the park being closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

**22C.230.050 Development standards.**

The purpose of this section is to establish minimum development standards for mobile/manufactured home parks.

(1) **Density.** The number of mobile/manufactured homes permitted in a mobile/manufactured home park shall not exceed eight (8) units per gross acre. In rezoning property to MHP, the city may limit density further to ensure compatibility with the surrounding residential area.

(2) **Site Area.** The minimum site area of a mobile/manufactured home park shall be three (3) acres. Except as otherwise provided in [subsection \(3\)](#) of this section, the maximum site area of a mobile/manufactured home park, or combination of adjacent parks, shall be fifteen (15) acres. Parks shall be considered to be "adjacent" to one another unless they are separated by an unrelated land use, and not merely by a public or private street, easement or buffer strip.

(3) **Annexations/Phased Developments.** For mobile home parks which have been proposed and approved by Snohomish County for a phased development, as a condition of any final annexation ordinance approving annexation of such mobile home park into the city, the city may authorize such phased mobile home park to exceed the 15-acre maximum set forth in [subsection \(2\)](#) of this section. In cases where greater than 50 percent of the phased development has been constructed prior to annexation, the city may authorize construction of private roadways and storm drainage systems which match those previously constructed to county standards. In such cases, maintenance of such private roadways and storm drainage systems shall be the responsibility of the owner of the mobile home.

**22C.230.060 Required elements of site plans.**

All new mobile/manufactured home parks, or expansions to or increases in density of existing parks, shall be subject to site plan approval, as provided above. The site plan shall be accurately drawn at a scale of not less than one (1) inch for each forty (40) feet and shall include, at a minimum, the following:

**(1) Preliminary Site Plan.**

(a) The title and location of the proposed park, together with the names, addresses, telephone numbers and e-mail addresses of the owners of record of the land, and if applicable, the names, addresses, telephone numbers and e-mail addresses of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

(b) Area of the site;

(c) Project staging or phases, if any;

(d) The number of mobile/manufactured homes to be accommodated;

(e) A vicinity map at a minimum scale of two (2) inches for each mile, showing sufficient area and detail to clearly locate the project in relation to arterial streets, natural features, landmarks and municipal boundaries;

(f) The location, identification and dimensions of all property lines, streets, alleys and easements. Indicate the condition of all public rights-of-way;

(g) The location of all existing and proposed structures, including but not limited to buildings, fences, culverts, bridges, roads and streets;

(h) The proposed location of all mobile/manufactured homes and accessory structures with setback requirements and lot coverage limitations;

(i) The location of all proposed open space, buffer strips and landscaped areas, showing existing trees and plant materials to be preserved, and conceptual plantings, berms and other features which are proposed;

(j) The location and intended use of outdoor storage areas;

(k) The location and intended use of recreational areas and facilities;

(l) Such additional detail as a city staff reasonably requires.

**(2) Final Site Plan.**

(a) All elements of the preliminary site plan, as approved by the city council;

(b) Original and proposed topography at maximum five-foot contour intervals, and preservation measures for fill and cut slopes;

(c) Typical cross-sections of all proposed internal circulation streets;

(d) The existing edge and width of pavement of any adjacent roadways and all proposed internal streets, off-street parking facilities, driveway approaches, curbing, sidewalks or walkways, street canalization and type of surfaces;

(e) The location, size and type of all proposed signs;

- (f) The location, type and wattage of all outdoor lighting with typical standards illustrated;
- (g) The location of all water mains, valves and fire hydrants;
- (h) The location of all sewer mains, laterals, manholes, pump stations, and other appurtenances;
- (i) The location of all stormwater drainage facilities, retention/detention ponds, and oil/water separators;
- (j) A certificate of approval prepared for the signature of the community development director.

#### **22C.230.070 Design standards.**

The purpose of this section is to establish minimum standards for mobile/manufactured home parks.

(1) **Lot Coverage.** All structures and buildings, including mobile homes and outbuildings, and any carports, decks or stairways attached thereto, and all impervious surfaces such as paved driveways, parking areas, sidewalks and patios, shall not cumulatively cover more than sixty percent (60%) of the total area of an individual mobile/manufactured home lot; provided, that patios, decks and sidewalks shall not be included in said sixty percent (60%) calculation if a lot is landscaped, on a permanent basis, in a way which emphasizes the appearance of natural vegetation.

(2) **Yard Requirements.** All mobile/manufactured homes, together with their additions and appurtenant structures, accessory structures and other structures on the site (excluding fences), shall observe the following setbacks (excluding any hitch or towing fixture) which supersede the standards of the underlying zoning district:

(a) **Park roads:** not less than twenty (20) feet from the centerline of right-of-way, and in no case less than five (5) feet from the paved, surfaced edge;

(b) **Exterior site boundary not abutting an off-site public right-of-way:** not less than fifteen (15) feet from the property line;

(c) **Exterior site boundary, abutting an off-site public right-of-way:** one-half of right-of-way plus twenty (20) feet, measured from centerline;

(d) **Side yard setback:** all mobile/manufactured homes, together with their habitable additions, but excluding open porches and carports, shall be set back not less than three (3) feet from side yard property lines.

(3) **Height.** No building or structure and no accessory building or structure shall exceed a height of thirty (30) feet.

(4) **Structure Separations.** A minimum ten (10) foot separation shall be maintained between all mobile/manufactured homes, together with their habitable additions, and other mobile/manufactured homes. One-hour fire resistant accessory structures and/or service buildings shall maintain a minimum three (3) foot separation from adjacent mobile homes. Non-fire-rated accessory structures and/or service buildings shall maintain a minimum six (6) foot separation between themselves and mobile homes, except that carports may abut the unit to which they are an accessory use.

(5) **Accessory Structures.** Buildings or structures accessory to individual mobile/manufactured homes are permitted; provided, that the total developed coverage of the space shall not exceed the maximum lot coverage requirements.

Buildings or structures accessory to the mobile/manufactured home park as a whole, and intended for the use of the park occupants, are permitted, provided the building area does not exceed fifty percent (50%) of the common open space.

(6) **Access and Circulation.** The layout and general development plan for major and minor access streets and driveways within the mobile/manufactured home park, together with the location and dimensions of access junctions with existing public streets and rights-of-way, shall be approved by the city engineer.

(a) **Right-of-Way.** All interior park roads shall be constructed within a right-of-way which shall be sufficient to construct and maintain the roadway plus a provision for utilities, but in no case shall be less than thirty (30) feet in width.

(b) **Pavement Width.** Park roads shall have a minimum paved width of thirty (30) feet, including the area improved with curbs and gutters. Cul-de-sac turnarounds shall have a minimum paved diameter of seventy (70) feet.

(c) **Public/Private Streets.** The city engineer shall determine whether the streets within a park shall be public or private. If the streets are to be public they shall be constructed to public street standards.

(d) **Roadway Surface.** All access roadways and service drives shall be bituminous surfacing or better and at a surface depth classified by the city engineer.

(e) **Curbs and Gutters.** Rolled curbs and gutters shall be constructed on both sides of all interior park roadways.

(f) **External Access Points.** External access to the park shall be limited to not more than one driveway from a public street for each two-hundred (200) feet of frontage.

(7) **Parking Requirements.** At least two (2) off-street parking spaces, located adjacent to each respective mobile/manufactured home, shall be provided for each such unit and shall be hard surfaced. In addition to occupant parking, guest and service parking shall be provided within the boundaries of the park at a ratio of one (1) parking space for each four (4) mobile/manufactured home lots, and shall be distributed for convenient access to all lots and may be provided by a parking lane and/or separate parking areas. Clubhouse and community building parking facilities may account for up to fifty percent (50%) of this requirement.

The front and side yard setbacks for mobile/manufactured home units shall not be calculated for purposes of meeting the minimum parking requirements. All off-street parking spaces shall have a minimum dimension of ten (10) feet by twenty (20) feet.

(8) **Utility Requirements.** All mobile/manufactured home parks shall provide permanent electrical, water and sewage disposal connections to each mobile/manufactured home in accordance with applicable state and local rules and regulations.

All sewage and waste water from toilets, urinals, slop sinks, bathtubs, showers, lavatories, laundries, and all other sanitary fixtures in a park shall be drained into a public sewage collection system.

All water, sewer, electrical and communication service lines shall be underground and shall be approved by the agency or jurisdiction providing the service. Gas shut-off valves, meters and regulators shall not be located beneath mobile/manufactured homes.

(9) **Open Space/Recreational Facilities.** A minimum of ten percent (10%) of the site shall be set aside and maintained as open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets and storage areas are not considered to be usable open space.

The percentage requirement may be reduced if substantial and appropriate recreational facilities (such as recreational buildings, swimming pool, or tennis courts) are provided.

The area shall be exclusive of the required perimeter buffer, centrally located, and of such grade and surface to be suitable for active recreation.

(10) **Sidewalks/Walkways.** The park shall contain pedestrian walkways to and from all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the roadway surface may be reserved for walkways; provided, that the same are marked and striped; and provided, that the roadway width is widened accordingly. Walkways shall be a minimum width of five (5) feet.

(11) **Lighting.** Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

(12) **Storm Drainage.** Storm drainage control facilities shall be subject to approval by the city engineer, and shall comply with the city's storm sewer code.

(13) **Landscaping/Screening.** The park shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable groundcover, shrubs and trees; provided, that they are installed prior to the first occupancy of the park, and are of such species and size as would normally fulfill a screening function within five (5) years of being planted. Site development shall be sensitive to the preservation of existing vegetation. All trees, flowers, lawns and other landscaping features shall be maintained by the park management in a healthy, growing condition at all times.

The following minimum requirements for landscaping and screening shall apply:

(a) Along the exterior site boundary, a minimum ten (10) foot wide screen landscaped to the L1 standards shall be provided (see [Chapter 22C.120 MMC](#), Landscaping and Screening).;

(b) Where abutting a major arterial, a minimum of twenty (20) foot wide screen landscaped to the L1 standards, shall be provided (see [Chapter 22C.120 MMC](#), Landscaping and Screening); provided, that a minimum ten (10) foot strip may be considered sufficient when it can be demonstrated that with earth sculpturing and recontouring, or a sight-obscuring fence, the development is buffered sufficiently;

(c) Perimeters of common parking areas shall be landscaped with a minimum five (5) foot screen landscaped to the L3 standards (see [Chapter 22C.120 MMC](#), Landscaping and Screening).

(d) Bulk storage and parking areas shall be landscaped with a minimum five (5) foot screen landscaped to the L2 standards (see [Chapter 22C.120 MMC](#), Landscaping and Screening).

(14) **Signs.** Signs and advertising devices shall be prohibited in a mobile/manufactured home park except:

(a) One identifying sign at each entrance of the park which may be indirectly lit, but not flashing. Said sign shall comply with [Chapter 22C.160 MMC](#);

(b) Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc, shall comply with [Chapter 22C.160 MMC](#).

(15) **Storage.**

(a) The owner of a mobile/manufactured home park shall provide, or shall require its tenants to provide, adequate indoor tenant storage facilities which are conveniently located near each mobile/manufactured home lot for the storage of household items and equipment. There shall be no outside storage of such items and equipment.

(b) Bulk storage and parking areas for boats, campers, travel trailers, recreational vehicles, trucks, snowmobiles, motorcycles and other seldom or seasonally used recreational equipment shall be provided within the park. A minimum of three-hundred (300) square feet of space, exclusive of driveways, shall be provided for every ten (10) mobile/manufactured homes. Bulk storage and parking areas shall be separated from other parking facilities and shall be provided with some means of security. The requirements of this subsection may be waived by the city when the park developer agrees to prohibit the storage of such items within the park. All bulk storage and parking areas shall be hard surfaced with asphaltic concrete, or crushed gravel, if approved by the City Engineer. Crushed gravel bulk storage and parking areas, if approved by the City Engineer, shall be surface with no less than three (3) inches of crushed gravel and maintained in a dust-free condition.

#### **22C.230.080**

##### **Park administration.**

(1) The owner of a mobile/manufactured home park shall be responsible for the development and maintenance of the park in strict conformity with the MHP rezone, the binding site plan, and all applicable laws and ordinances. The Marysville Community Development Department shall have jurisdiction over the owner in the event litigation is commenced by the city to enforce such compliance.

(2) A mobile/manufactured home park shall have internal rules and regulations governing, at a minimum, the following:

(a) A requirement that all tenants comply with city inspection codes at the time a mobile/manufactured home is installed or modified;

(b) A requirement that all tenants comply with city zoning code restrictions relating to the use of their mobile/manufactured home and lot;

(c) A requirement that all landscaping, buffer areas, recreational areas and facilities, storage areas, streets, walkways and other common areas and facilities be continuously maintained to at least the minimum standard required by the city and approved by the community development director at the time of initial occupancy.

(3) A mobile/manufactured home park shall have a resident manager who shall be the agent of the owner with authority to communicate directly with the city officials regarding compliance with city codes and requirements, and who shall be responsible for the enforcement of park rules and regulations.

#### **22C.230.090**

##### **Authority to issue permits for and inspect installations of mobile/manufactured homes.**

The city of Marysville assumes responsibility for issuing permits, conducting inspections, and enforcing federal, state and local standards for the installation of mobile/manufactured homes. Said function shall be performed by the city building official.

#### **22C.230.100**

##### **Permits for mobile/manufactured homes.**

(1) Prior to the location, relocation, establishment or occupancy of any mobile/manufactured home, the mobile/manufactured home owner or authorized representative shall obtain a permit from the city building department. Application for the permit shall be made on forms prescribed and furnished by the department.



(2) No person, firm, partnership, corporation or other entity may install a mobile home unless he, she or it owns the mobile home, is a licensed mobile home dealer, or is a contractor registered under [Chapter 18.27 RCW](#).

(3) Permit fees:

- (a) Single-wide: \$200.00
- (b) Double-wide: \$300.00
- (c) State Building Code Council Surcharge (SBCC Fee): \$4.50

Where a mobile/manufactured home is established as a residence without a permit as required herein, the fee shall be doubled; but the payment of such doubled fee shall not relieve any person from fully complying with all the requirements of this chapter, nor from any other penalties prescribed herein.

(4) Each permit issued by the building department for a mobile/manufactured home shall be valid until the mobile/manufactured home is moved to another location, whether on the same or different property.

#### **22C.230.110 Permits for accessory structures.**

Building permits shall be required pursuant to [Chapter 16.04 MMC](#) for all accessory structures on a mobile/manufactured home lot, including awnings, porches, steps, decks, storage sheds and carports.

#### **22C.230.120 Inspections.**

(1) No person may occupy or allow or suffer another person to occupy a mobile/manufactured home before the installation of the same has been inspected and approved by the city building official.

(2) The installer shall request an inspection after all aspects of the installation, other than installation of the foundation facia, have been completed. The building official will inspect the installation within five (5) business days after he receives the request. If the inspection is not completed within five (5) business days, the tenant or owner may occupy the mobile/manufactured home at his or her own risk. Occupancy before inspection does not imply city approval.

(3) The building official shall approve the installation of a mobile/manufactured home, and allow the same to be occupied, if the installation complies with the installation requirements of this chapter and the conditions of the permit. If the installation does not so comply, the building official shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. The building official shall re-inspect the installation after the corrections are completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the mobile/manufactured home, the building official may permit the owner of the home to occupy it.

#### **22C.230.130 Installation standards.**

The city adopts and incorporates herein by reference all installation standards and all inspection and enforcement rules relating to mobile/manufactured homes, as now or hereafter specified in [Title 296 WAC](#). Said standards relate to site preparation, foundation system footings, foundation system piers, foundation system plates and shims, foundation facia, anchoring systems, and on-site assembly of units. The same shall be administered and enforced by the city building official.

#### **22C.230.140 Insignia requirement.**

All mobile/manufactured homes to be located within the city of Marysville that do not bear an insignia of approval from the Washington State Department of Labor and Industries, or the U.S. Department of Housing and Urban Development, and for which the owner can demonstrate proof that the home was located within the city of Marysville prior to January 1, 1982, shall, to the extent feasible, be inspected by the city building official, following payment of all applicable fees, for the following livability and health-safety criteria before relocating:

- (1) The home must have safe, operable heating facilities.
- (2) The home must be equipped with a water lavatory, bathtub or shower, kitchen sink; be provided with hot and cold running water; and all facilities shall be installed and maintained in a safe and sanitary condition.
- (3) All electrical service-entrance conductors, service equipment, switches, lighting outlets, power outlets and appliances shall be maintained in a safe manner.
- (4) The home must be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness.



- (5) All openable windows and doors must be in openable condition to provide for adequate natural ventilation and emergency exit.
- (6) An operable smoke detector shall be installed within the home.
- (7) The home shall be structurally sound with no apparent hazardous conditions in the floors, walls, ceilings and roofs.
- (8) The home shall be well maintained, free of debris and infestations of insects, vermin or rodents.
- (9) The inspection form shall include a statement that inspection does not constitute a warranty that the home is safe or livable.

**22C.230.150 Standards for existing parks.**

- (1) Mobile home parks established prior to the effective date of this code shall continue to be governed by all standards relating to density, setbacks, landscaping and off-street parking in effect at the time they were approved;
- (2) Placement of new accessory structures and replacement mobile homes, either standard or nonstandard, in these mobile home parks shall be governed by the dimensional standards in effect when the parks were approved. Where internal setbacks are not specified, the setback standards outlined in the [International Building Codes \(IBC\)](#), [International Residential Codes \(IRC\)](#) and the [International Fire Codes \(IFC\)](#) shall apply;
- (3) Recreational vehicles utilized as a permanent residence are permitted provided utility hook-ups are provided and meet current adopted standards for mobile/manufactured home parks;
- (4) An existing mobile home park may be enlarged; provided, the proposed enlargement meets the standards set forth in [MMC 22C.230.050](#) through [22C.230.070](#);
- (5) Insignia mobile homes may be installed in established parks; provided, that all mobile homes supported by piers shall be fully skirted;
- (6) The placement of new accessory structures and replacement mobile homes shall comply with Chapter [22E.010 MMC](#), Critical Areas Management.

**Chapter 22C.240****RECREATIONAL VEHICLE PARKS****Sections:**

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**22C.240.010****Purpose.**

The purpose of this chapter shall be to ensure that recreational vehicle parks are located, developed and occupied in accordance with standards and regulations which will protect the health, safety, general welfare and convenience of the occupants of such parks and the citizens of the city of Marysville.

**22C.240.020****General requirements.**

- (1) No recreational vehicle shall be occupied overnight unless the same is parked inside an approved recreational vehicle park. An exception to this rule may be granted for temporary uses as defined in [Chapter 22C.110 MMC](#), subject to strict compliance with the requirements of said section.
- (2) No recreational vehicle shall be occupied for commercial purposes anywhere in the city of Marysville. An exception to this rule may be granted for temporary uses as defined in [Chapter 22C.110 MMC](#), subject to strict compliance with the requirements of said section.
- (3) No recreational vehicle shall be used as a permanent place of abode, or dwelling, for indefinite periods of time. Occupancy in a park for more than 180 days in any 12-month period shall be conclusively deemed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle, except for temporary purposes of repair; or placement of the unit on a foundation, is hereby prohibited.
- (4) No external appurtenances, such as carports, cabanas or patios, may be attached to any recreational vehicle while it is in a park.
- (5) No space within a recreational vehicle park shall be rented for any purpose other than those expressly allowed by this chapter.
- (6) No person, company or corporation shall establish or modify a recreational vehicle park without first complying with the provisions of this chapter.

**22C.240.030****Criteria for locating a recreational vehicle park.**

Recreational vehicle parks may only be established on property within the city of Marysville which meets the following criteria:

- (1) Recreational vehicle parks shall be allowed in all zones of the city except single-family and multiple-family residential zones.
- (2) The minimum site area of a park shall be ten (10) acres. The maximum site area of a park, or combination of adjacent parks, shall be fifteen (15) acres. Parks shall be considered to be “adjacent” to one another unless they are separated by an unrelated land use, and not merely by a public or private street, easement or buffer strip.
- (3) After development, the conditions of the soil, groundwater level, drainage, and topography shall not create hazards to the property or to the health or safety of the occupants.
- (4) Property under the jurisdiction of the Shoreline Management Act shall be excluded from development of recreational vehicle parks if it is designated as being in the natural environment.
- (5) Parks shall be located with direct access to a major arterial or state highway and with appropriate frontage thereon to permit appropriate design of entrances and exits. No entrance or exit from a park shall be permitted through a residential district, nor require movement of traffic from the park through a residential district.

**22C.240.040 Conditional use permit required.**

A recreational vehicle park shall be allowed only upon the issuance of a conditional use permit by the hearing examiner and city council. The owner, operator and occupants of a recreational vehicle park shall develop and use the park in strict compliance with the conditions imposed by the permit. The agency issuing the permit shall maintain continuing jurisdiction for the review and enforcement of said conditions.

**22C.240.050 Health district approval required.**

Prior to occupancy of a recreational vehicle park, the owner shall obtain a permit from the Snohomish Health District and comply with all rules, regulations and requirements of said district. Said permit must be kept current at all times, subject to the park being closed. The rules, regulations and requirements of the health district shall be construed as being supplements to the provisions of this chapter.

**22C.240.060 Final site plan.**

A site plan shall be submitted with all applications for a recreational vehicle park. Said site plan shall be subject to review, modification, approval or denial by the agency issuing the permit. An approved final site plan shall constitute an integral part of the permit for the recreational vehicle park, and shall be binding upon the owner of the property, its successors and assigns. All development within the recreational vehicle park shall be consistent with the final site plan. Such plans may be modified or amended at the request of an owner upon receiving administrative approval by the community development director; provided, that if said modification or amendment affects the external impacts of the recreational vehicle park, or is determined by the community development director to be substantial in nature, then such modification or amendment shall be resubmitted to the hearing examiner as a conditional use permit application pursuant to [MMC 22G.010.340](#).

**22C.240.070 Completion prior to occupancy – Phasing.**

All required site improvements and other conditions of the permit and final site plan shall be met prior to occupancy of any site by a recreational vehicle; provided, that completion may be accomplished by phases if approved by the community development director and security for performance in accordance with the provisions of [Chapter 22G.040 MMC](#) and acceptable to the community development director is received by the city. The community development director may also require security for maintenance for a period up to five years in accordance with the provisions of [Chapter 22G.040 MMC](#).

**22C.240.080 Design standards.**

The purpose of this section is to establish minimum design standards for recreational vehicle parks.

(1) **Density.** The number of recreational vehicles permitted in a park shall not exceed a density of twenty (20) units per gross acre. The agency issuing the permit may limit density further to ensure compatibility with the surrounding areas.

(2) **Campsite Size.** Each individual recreational vehicle site shall be not less than eight-hundred (800) square feet in size.

(3) **Access Points.** Entrances and exits to the park shall be designed for safe and convenient movement of traffic into and out of the park and to minimize friction with free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle for vehicles moving in the direction intended, and radii of curbs and pavements at intersections shall be such as to facilitate easy turning movements for vehicles with trailers attached. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within one-hundred (100) feet of the intersection with the park entrance.

(4) **Parking.** At least one (1) parking space shall be provided on each site. At least one parking space for each twenty (20) sites shall be provided for visitor parking in the park.

(5) **Internal Park Roads.** All internal park roads shall be privately owned and maintained. They shall be constructed to all-weather standards, as approved by the city engineer. Park roads shall have a minimum improved width as follows:

- (a) One-way road no parking, eleven (11) feet;
- (b) One-way road with parking on one side, or two-way road with no parking, eighteen (18) feet;

- (c) Two-way road with parking on one side, twenty-seven (27) feet;
  - (d) Two-way road with parking on both sides, thirty-four (34) feet.
- (6) **Open Space/Recreational Facilities.** A minimum of twenty (20) percent of the site shall be set aside and maintained as open space for the recreational use of park occupants. Such space and location shall be accessible and usable by all residents of the park for passive or active recreation. Parking spaces, driveways, access streets, and storage areas are not considered to be usable open space. The percentage requirement may be reduced if substantial and appropriate recreational facilities (such as recreational buildings, swimming pool or tennis courts) are provided.
- (7) **Setbacks.** No recreational vehicle site shall be closer than thirty-five (35) feet from any exterior park property line abutting upon a major arterial, shoreline, or residential zone, or twenty (20) feet from any other exterior park property line. Permanent structures within a park shall have minimum front and rear yards of twenty (20) feet each, and minimum side yards of ten (10) feet each.
- (8) **Landscaping/Screening.**
- (a) The park shall provide visual screening and landscaping as required in perimeter setback areas and open space. Landscaping may consist of suitable groundcover, shrubs and trees; provided, that they are installed prior to the first occupancy of the park and are of such species and size as would normally fulfill a screening function within five years of being planted. Site development shall be sensitive to the preservation of existing vegetation;
  - (b) Along the exterior site boundary, a minimum twenty (20) foot wide screen landscaped to the L1 standards shall be provided (see [Chapter 22C.120 MMC](#), Landscaping and Screening). It shall be designed and maintained to be aesthetically pleasing, and functional for site screening and noise buffering;
  - (c) Where needed to enhance aesthetics or to ensure public safety, recreational vehicle parks shall be enclosed by a fence, wall, earth mound or by other designs which will complement the landscape and assure compatibility with the adjacent environment;
  - (d) All trees, flowers, lawns and other landscaping features shall be maintained by the park management in a healthy growing condition at all times.
- (9) **Signs.** Signs and advertising devices shall be prohibited in recreational vehicle parks except:
- (a) If the park is visible from Interstate 5, one on-site identification sign complying with the standards of the State Highway Signage Code;
  - (b) One identifying sign at each entrance of the park which may be indirectly lit, but not flashing. Said sign shall comply with [Chapter 22C.160 MMC](#);
  - (c) Directional and information signs for the convenience of occupants of the park in compliance with [Chapter 22C.160 MMC](#).
- (10) **Utilities.** Electricity shall be provided to each recreational vehicle site. All utility lines in the park shall be underground and shall be approved by the agency or jurisdiction providing the service.
- (11) **Storm Drainage.** Storm drainage control facilities shall be subject to approval by the city engineer and shall comply with the city's storm sewer code.
- (12) **Public Facilities.** Recreational vehicle parks shall provide the following public facilities in such quantity, size and location as is approved by the agency issuing the conditional use permit:
- (a) A water distribution system connected to the city's water utility;
  - (b) A water station for filling recreational vehicle water storage tanks;
  - (c) Restroom facilities containing showers and toilets connected to the city's sewer utility, the minimum number of which shall be one commode and one (1) shower for each twenty (20) recreational vehicle sites;
  - (d) A sanitary waste station for emptying sewage holding tanks of recreational vehicles;
  - (e) Refuse containers for solid waste in adequate quantity shall be rented from and serviced by the city of Marysville garbage utility. Park garbage shall be picked up daily by park personnel, who shall also maintain the park free of any uncontrolled garbage.

**22C.240.090****Accessory uses.**

Management headquarters, recreational facilities, restrooms, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses to the park. In addition, grocery stores and convenience shops shall be permitted as accessory uses in the discretion of the agency issuing the conditional use permit, subject to the following restrictions:

- (1) Such establishments and the parking areas primarily related to their operations shall not occupy more than five percent (5%) of the gross area of the park.

- (2) Such establishments shall present no visible evidence from any street outside the park of their commercial character which would attract customers other than occupants of the park.
- (3) The structures housing such facilities shall not be located closer than fifty (50) feet to any public street and shall not be directly accessible from any public street, but shall be accessible only from a street within the park.

**22C.240.100 Park administration.**

- (1) The owner of a recreational vehicle park shall be responsible for the development and maintenance of the park in strict conformity with the binding site plan, the conditional use permit, and all applicable laws and ordinances. Each park shall have an on-site manager available twenty-four (24) hours per day, seven (7) days per week.
- (2) A written management plan shall be submitted for approval as a part of the conditional use permit process. It shall include, at a minimum, the proposed management structure, proposed park rules and regulations, and proposed methods to enforce occupancy limitations and other requirements of this chapter.

**Chapter 22C.250****WIRELESS COMMUNICATION FACILITIES****Sections:**

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**22C.250.010****Purpose.**

The purpose of this chapter is to:

- (1) Establish clear regulations for the siting and design of wireless communication facilities consistent with federal regulations.
- (2) Promote the health, safety, and general welfare of the public by regulating the siting of WCFs.
- (3) Minimize impacts of WCFs on surrounding areas by establishing standards for location, structural integrity, and compatibility.
- (4) Encourage the location and co-location of wireless communication equipment on existing structures.
- (5) Minimize visual, aesthetic, public safety, and environmental and wildlife effects.
- (6) Accommodate the growing need and demand for wireless communication services.
- (7) Respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services.
- (8) Encourage orderly development in a preferred hierarchy using concealed technologies.

**22C.250.020****Applicability.**

- (1) If a conflict arises between this chapter and the provisions of another chapter regarding wireless communication facilities, this chapter shall govern.
- (2) Facilities regulated by this chapter include the construction, modification, and placement of all WCFs, FCC-regulated amateur radio antennas, dish antennas, and any antennas used for MMDS or wireless cable, and wireless service facilities (i.e., cellular phone service, PCS – personal communication services, wireless paging services, wireless Internet services, etc.). Wireless services shall be subject to the following regulations to the extent that such requirements:
  - (a) Do not unreasonably discriminate among providers of functionally equivalent services;
  - (b) Do not have the effect of prohibiting personal wireless services within the city of Marysville.

**22C.250.030****Exemptions from land use review.**

The following are exempt from the provisions of this chapter:

- (1) Amateur radio antenna operated by a federally licensed amateur radio operator as part of the amateur or business radio service are exempt from the provisions of this chapter except [MMC 22C.250.040](#) and [22C.250.120](#).
- (2) Citizen band or two-way radio antenna including any mast.
- (3) Satellite earth stations (satellite dishes) that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts.
- (4) A temporary commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the city, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this chapter up to one week prior and one week after the special event.

(5) In the event a building permit is required for any emergency repair, notification in writing to the director of community development shall occur within 24 hours of identification of the needed repair, and filing of the building permit application shall be done in compliance with the city's adopted building code. (In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.)

(6) Antenna modifications, provided there is no increase in the height of the antenna support structure; and provided, that the size of the replaced antennas is not increased.

#### **22C.250.040 Permit required.**

The following table summarizes the types of proposal and required land use approvals. All proposals are subject to the siting hierarchy requirements of this chapter.

Concealed Attached WCF	WCF Consolidation	Concealed Co-location	Flush- or Nonflush-Mounted Antenna on Existing Antenna Support Structure	New Concealed Antenna Support Structure	Combined on Existing WCF	Amateur Radio Antennas
P1, 3 C	C	P1 C	P1 C	C	P1 C	P2

P – Permitted Use. The use is allowed subject to the requirements of the code.

C – Conditional Use Permit. The use is allowed subject to the conditional use review procedures and requirements of the code.

#### **Notes:**

1. If the proposal does not extend the height of a structure outside the public right-of-way by more than 40 feet, the structure is in compliance with the maximum allowed WCF height for the zone, and it is demonstrated that the proposal is consistent with any previous relevant approval conditions.

2. Amateur radio antennas are permitted subject to [MMC 22C.250.120](#).

3. Concealed attached WCFs proposed within the public right-of-way are subject to [MMC 22C.250.070\(3\)](#).

#### **22C.250.050 Application requirements.**

In addition to any information required for CUP, ROW permit, or building permit review, an application for new WCFs or modifications to WCFs that require city approval shall provide the following information:

(1) A site plan showing existing and proposed WCFs, access, base station, ancillary structures, warning signs, fencing, landscaping and any other items necessary to illustrate compliance with the development standards of this chapter.

(2) A stamped statement by a state of Washington registered professional engineer that the support structure shall comply with EIA/TIA-222-G (as amended), and the allowable wind speed for the applicable zone in which the facility is located, and that describes the general structural capacity of any proposed WCF(s), including:

(a) The number and type of antennas that can be accommodated;

(b) The basis for the calculation of capacity; and

(c) A written statement that the proposal complies with all federal guidelines regarding interference and ANSI standards as adopted by the FCC, including but not limited to nonionizing electromagnetic radiation (NIER) standards.

Some or all of the requirements listed in this subsection may be waived for applications for attachments to utility poles, provided a letter is submitted from the appropriate utility agency accepting responsibility for design of the structure.

(3) A report by the applicant that includes a description of the proposed WCF, including height above grade, justification for the proposed height of the structure and evaluation of alternative designs which might result in lower heights, materials, color, lighting, and information demonstrating compliance with siting hierarchy.

(4) Where a permit for an attachment or co-location is required, the application shall also include the following information:

(a) The name and address of the operator(s) of proposed and existing antennas on the site;



- (b) The height of any proposed antennas;
  - (c) Manufacture, type, and model of such antennas;
  - (d) Frequency, modulation, and class of service; and
  - (e) A description of the wireless communication service that the applicant intends to offer to provide, or is currently offering or providing within the city.
- (5) A detailed visual simulation of the wireless communication facility shall be provided along with a written report from the applicant, including a map showing all locations where an unimpaired signal can be received for that facility (propagation map).
- (6) If applicable, approved franchise agreement, or completed franchise agreement application and related fees.
- (7) Other information as the director of community development may reasonably require.
- (8) Fees for review as established by the city's most current fee resolution.
- The community development director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

**22C.250.060****Siting hierarchy.**

Siting of antenna or support structures shall adhere to the siting hierarchy of this section. The order of ranking for antenna or antenna support structures, from highest to lowest, shall be 1, 2, 3, 4. Where letters (a, b) are present, a is preferable to b. Where a lower ranking alternative is proposed, the applicant must submit relevant information including but not limited to an affidavit by a licensed radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranking options are not technically feasible or justified given the location of the proposed wireless communications facility and network need. Example: A new facility meeting the definition of a concealed consolidated WCF is proposed; the applicant demonstrates that the new facility cannot be sited under hierarchy (1)(a) through (1)(b). The applicant then demonstrates the new facility cannot be sited under hierarchy 2. The applicant then moves to hierarchy 3 and is able to propose a site.

1	Co-location with existing antenna support structure: a. That requires no increase in pole or structure height. b. That requires an increase in pole or structure height which shall comply with <a href="#">MMC 22C.250.080(3)</a> .
2	New concealed antenna support structure or concealed consolidation: • On developed, improved sites in nonresidential zoning districts; or • On publicly owned land. Concealed attached WCF: • Within public parks, public open spaces, and on other publicly owned land; or • Within public rights-of-way; or • Within nonresidential zoning districts or residential zoning districts on lots not used for single-family residential purposes.
3	Concealed consolidations: a. In nonresidential zoning districts. b. In residential zoning districts on lots not used for single-family residential purposes.
4	New concealed antenna support structure: a. In nonresidential zoning districts. b. In residential zoning districts on lots not used for single-family residential purposes.

The community development director may allow the siting of a facility in a location at a lower position in the hierarchy without demonstration that higher ranking options are not technically feasible or justified, provided the applicant demonstrates that the proposed facility location would result in a lesser visual/aesthetic impact and better meets the purposes of this chapter.

**22C.250.070 General requirements.**

(1) Co-located or combined facilities shall comply with the following requirements:

(a) Co-location of antennas onto existing antenna support structures meeting the dimensional standards of this chapter are permitted outright. Antenna mounts shall be flush-mounted onto existing antenna support structure, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area. Furthermore, an antenna shall only extend vertically above the uppermost portion of the structure to which it is mounted or attached as follows:

(i) Not more than 20 feet on a nonresidential structure; and

(ii) Not more than 15 feet on a multifamily structure.

(b) Co-location of antennas onto a new antenna support structure constructed after May 1, 2006, shall be concealed.

(c) At the time of installation, the WCF base station and ancillary structures shall be brought into compliance with any applicable landscaping requirements.

(d) A co-located or combined WCF, its new base station, and any new ancillary structures shall be subject to the setbacks of the underlying zoning district.

(e) When a co-located or combined WCF is to be located on a nonconforming building or structure, then it shall be subject to the nonconformance provisions of [Chapter 22C.100 MMC](#).

(2) Concealed attached WCF outside of the public ROW shall comply with the following requirements:

(a) Concealed antennas shall reflect the visual characteristics of the structure to which they are attached and shall be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing structural design, color, and texture. This shall include the use of colors and materials, as appropriate. When located on structures such as buildings or water towers, the placement of the antenna on the structure shall reflect the following order of priority in order to minimize visual impact:

(i) A location as close as possible to the center of the structure; and

(ii) Along the outer edges or side-mounted; provided, that in this instance, additional means such as screens should be considered and may be required by the department on a case-by-case basis; and

(iii) When located on the outer edge or side-mounted, be placed on the portion of the structure less likely to be seen from adjacent lands containing, in descending order of priority, existing residences, public parks and open spaces, and public roadways.

(b) The top of the concealed attached WCF shall not be more than 40 feet above the existing or proposed nonresidential building or structure, or more than 15 feet above a residential building. Maximum height must be consistent with [MMC 22C.250.080\(3\)](#).

(c) Feed lines shall be contained within a principal building or encased and the encasement painted to blend and match the design, color, and texture of the facade, roof, wall, or structure to which they are affixed.

(3) Concealed attached WCF proposed within the public right-of-way shall comply with the following requirements:

(a) An existing pole may be extended or replaced with a new pole, provided the original pole height may be increased by no more than the sum of the height of the wireless antenna(s) and necessary equipment, plus the minimum vertical separation distance as required by the utility agency.

(b) The pole must serve the original purpose and, if replaced, must be of similar appearance and composition as adjacent utility poles. The community development director may authorize the utilization of a composition material other than that of adjacent poles if it can be demonstrated that the utility's engineering requirements necessitate that the different material be utilized.

(c) Antennas shall be flush mounted.

(d) Field changes necessary in order to meet other utility agency requirements shall be reviewed and approved by the city prior to structure installation.

(4) Concealed antenna support structures shall comply with the following requirements:

(a) Upon application for a new concealed antenna support structure, the applicant shall provide a map showing all existing antenna support structures or other suitable nonresidential structures located within one-quarter mile of the proposed structure with consideration given to engineering and structural requirements.

(b) No new antenna support structure shall be permitted if an existing structure suitable for attachment of an antenna or co-location is located within one-quarter mile, unless the applicant demonstrates that the existing structure is physically or technologically unfeasible, or is not made available for sale or lease by the owner, or is not made available at a market rate cost, or would result in greater visual impact. The burden of proof shall be on the applicant to show that a suitable structure for mounting of antenna or co-location cannot be reasonably or economically used in accordance with these criteria.

(c) In residential districts, new concealed antenna support structures shall only be permitted on lots whose principal use is not single-family residential, including but not limited to schools, churches, synagogues, fire stations, parks, and other public property.

(d) To the extent that there is no conflict with the color and lighting requirements of the Federal Communications Commission and the Federal Aviation Administration for aircraft safety purposes, new antenna support structures shall be concealed as defined by this title and shall be configured and located in a manner to have the least visually obtrusive profile on the landscape and adjacent properties.

New concealed antenna support structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and materials, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the proposed concealed antenna support structure from adjacent lands containing, in descending order of priority: existing residences, public parks and open spaces, and public roadways.

(e) At time of application the applicant shall file a letter with the department, agreeing to allow co-location on the tower. The agreement shall commit the applicant to provide, either at a market rate cost or at another cost basis agreeable to the affected parties, the opportunity to co-locate the antenna of other service providers on the applicant's proposed tower to the extent that such co-location is technically and structurally feasible for the affected parties.

(f) All new concealed antenna support structures up to 60 feet in height shall be engineered and constructed to accommodate no less than two antenna arrays. All concealed antenna support structures between 61 feet and 100 feet shall be engineered and constructed to accommodate no less than three antenna arrays. All concealed antenna support structures between 101 and 140 feet shall be engineered and constructed to accommodate no less than four antenna arrays.

(g) Those providing for co-location shall also submit a plan for placement of base station equipment for potential future providers and/or services provided by additional antenna arrays.

(h) Grading shall be minimized and limited only to the area necessary for the new WCF.

(5) Consolidation of WCFs shall comply with the following requirements: consolidation of two or more existing WCFs may be permitted pursuant to the provisions of this chapter, including a CUP and consideration of the following:

(a) WCF consolidation shall reduce the number of WCFs.

(b) If a consolidation involves the removal of WCFs from two or more different sites and if a consolidated WCF is to be erected on one of those sites, it shall be erected on the site that provides for the greatest compliance with the standards of this chapter.

(c) Consolidated WCFs shall be concealed.

(d) All existing base stations and ancillary equipment shall be brought into compliance with this chapter.

(e) New WCFs approved for consolidation of an existing WCF shall not be required to meet new setback standards so long as the new WCF and its base station and ancillary structures are no closer to any property lines or dwelling units than the WCF and base station and ancillary structures being consolidated. For example, if a new WCF is replacing an old one, the new one is allowed to have the same setbacks as the WCF being removed, even if the old one had nonconforming setbacks.

(f) If the consolidated WCF cannot meet the setback requirements, it shall be located on the portion of the parcel on which it is situated which, giving consideration to the following, provides the optimum practical setback from adjacent properties:

(i) Topography and dimensions of the site;

(ii) Location of any existing structures to be retained.

**22C.250.080****Design standards.**

- (1) All WCFs shall:
- (a) Be designed and constructed to present the least visually obtrusive profile.
  - (b) Use colors such as grey, blue, or green that reduce visual impacts unless otherwise required by the city of Marysville, FAA, or FCC.
  - (c) Flush-mount antennas when feasible. Non-flush-mounted antennas are allowed only upon written demonstration by the applicant that flush-mounting is not feasible.
- (2) Base Stations.
- (a) Base stations that are not located underground shall not be visible from public views.
  - (b) New base stations and ancillary structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and building materials of existing buildings or structures on the property, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the base station and ancillary structures from pedestrian views. Where feasible, one building with multiple compartments shall be constructed to serve the total number of anticipated co-location tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a site plan shall be provided to demonstrate how all potential base stations and ancillary structures will be accommodated within the vicinity of the WCF.
- (3) Height Standards. The height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto. The height of any WCF shall not exceed the heights provided in the table below.

Zone	Maximum Height
GC, DC, CB, NB, GI, LI, MU, PI, BP	140'
R4.5-R28	80'
Open Space and Recreation	140'

**Notes:**

- (1) New antenna support structures must comply with [MMC 22C.250.070 \(4\)\(e\) through \(g\)](#).
- (a) Increases to the height of an existing antenna support structure are permitted, provided:
    - (i) It is consistent with all conditions of the CUP authorizing the use and subsequent approvals thereafter;
    - (ii) The existing conditions and the proposed changes are not in violation of the MMC;
    - (iii) It is necessary to accommodate an actual co-location of the antenna for additional service providers or to accommodate the current provider's antenna required to utilize new technology, provide a new service, or increase capacity;
    - (iv) Height increases are limited to no more than 40 feet above the height of the existing antenna support structure unless explicitly allowed in the CUP;
    - (v) A nonconformance shall not be created or increased, except as otherwise provided by this chapter;
    - (vi) A detailed certification of compliance with the provisions of this section is prepared, submitted, and approved.
- (4) Setback Requirements.
- (a) Antenna support structures outside of the right-of-way shall have a setback from property lines of 10 feet from any property line and 50 feet or one foot setback for every one foot in height from any residentially zoned property, whichever provides the greatest setback.
  - (b) Base stations shall be subject to the setback requirements of the zone in which they are located.
  - (c) The department shall consider the following criteria and give substantial consideration to on-site location and setback flexibility is authorized when reviewing applications for new antenna support structures and consolidations:

(i) Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;

(ii) Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences;

(iii) Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(5) Landscaping and Fencing Requirements.

(a) All ground-mounted base stations and ancillary structures shall be enclosed with an opaque fence or fully contained within a building. In all residential zones, or a facility abutting a residential zone, or in any zone when the base station and ancillary structures adjoin a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. In commercial or industrial zones, if a chain link fence is installed, slats shall be woven into the security fence. Required fencing shall be of sufficient height to screen all ground equipment and shall be subject to [MMC 22C.010.380](#) and [22C.020.330](#). The city shall have the authority to determine the type of enclosure and materials required based upon review of existing site and surrounding conditions.

(b) Landscaping shall be done in accordance with [Chapter 22C.120 MMC](#).

(c) When a fence is used to prevent access to a WCF or base station, any landscaping required shall be placed outside of the fence.

(d) Landscaping provisions may be modified in accordance with [MMC 22C.120.190](#).

(6) Lighting Standards. Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, except lighting for security purposes that is compatible with the surrounding neighborhood. Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property, and consistent with FAA and FCC requirements.

(7) Signage. Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, base station, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(8) Sounds. Maximum permissible sound levels to intrude into the real property of another person from a wireless communication facility shall not exceed 45 dB(A). In the case of maintenance, construction, and emergencies, these sound levels may be exceeded for short durations as required by the specific circumstance.

**22C.250.090 Technical evaluation.**

The city may retain the services of an independent technical expert such as a registered professional electrical engineer accredited by the state of Washington who holds a federal communications general radio telephone operator license. The engineer will provide technical evaluation of permit applications for WCFs. The applicant shall pay all the costs of said review.

**22C.250.100 Interference.**

Whenever the city encounters radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more WCFs, the following steps shall be taken:

(1) Upon notification by the city to WCF service providers potentially interfering with public safety communications equipment, the providers shall cooperate and coordinate with the city and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time.

(2) If any WCF owner fails to cooperate with the city in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the city public safety communications equipment, the owner who fails to cooperate and/or the owner of the

WCF which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the city for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the jurisdiction to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within 24 hours of the city's notification.

**22C.250.110 Cessation of use.**

(1) Discontinuance or Abandonment. Any WCF that is not operated for a period of 12 months shall be considered abandoned, and the owner of such WCF shall remove the WCF within 90 days of receipt of notice from the governing authority notifying the owner of such abandonment. If such WCF is not removed within said 90 days, the governing authority may remove the WCF at the owner's expense. An extension may be requested and granted for up to 12 months by the community development director if good cause is shown, the WCF is maintained, and conditions would not be detrimental to the public health, safety, or general welfare. If there are two or more users of a single WCF, then this provision shall not become effective until all users cease using the WCF.

**22C.250.120 Amateur radio antennas.**

Amateur radio antennas and support structures are subject to the following:

- (1) Maximum height shall be 75 feet, measured pursuant to the definition of WCF height.
- (2) Antennas or antenna support structures shall not be permitted in any setback area or within any front yard area.

**Chapter 22C.260****LOW IMPACT DEVELOPMENT****Sections:**

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**22C.260.010****Purpose.**

The purpose of this chapter is to permit design flexibility and provide performance criteria for low impact development. Low impact development (LID) is a storm water management and land development strategy utilized in site design and construction that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to mimic natural hydrologic functions. Implementation of LID benefits streams, lakes, and Puget Sound by moderating the impacts of storm water runoff generated by the built environment. LID techniques may supplant or augment traditional, structural storm water management solutions. Low impact best management practices (BMPs) are described in the Low Impact Development Technical Guidance Manual for Puget Sound, 2005, published by the Puget Sound Action Team. LID objectives are:

- (1) To retain or restore native forest cover to capture, infiltrate, and evaporate all or a portion of the rainfall on a site;
- (2) To confine development to the smallest possible footprint and minimize land disturbance and site grading;
- (3) To preserve or restore the health and water-holding capacity of soils;
- (4) To incorporate natural site features that promote storm water infiltration;
- (5) To minimize all impervious surfaces and especially those that drain to conventional piped conveyance;
- (6) To manage storm water through infiltration, bioretention, and dispersion; and
- (7) To manage storm water runoff as close to its origin as possible in small, dispersed facilities.

**22C.260.020****Applicability.**

- (1) Conformance with this chapter shall be required:
  - (a) Where specified in an adopted basin plan pursuant to [Chapter 14.18 MMC](#); or
  - (b) When a site has committed to being a LID project pursuant to [MMC 14.15.062](#).
- (2) Modifications of this chapter are allowed for any proposed development subject to a determination of the applicable review authority that the proposal substantially furthers all objectives in [MMC 22C.260.010](#).

**22C.260.030****Protected native vegetated areas.**

A portion of the site shall be preserved as protected native vegetated area.

- (1) Protected native vegetated areas shall be designated in the following ratios:
  - (a) Residential developments: Proposed at six dwelling units per acre or less shall preserve 35 percent of the site as native growth areas.
  - (b) Residential developments: Proposed at more than six dwelling units per acre shall preserve 20 percent of the site as native growth areas.
  - (c) Commercial developments: Shall preserve 10 percent of the site as native growth or landscaped areas.
  - (d) Improvements within existing public rights-of-way are exempt.
- (2) For the purposes of calculating required area, submerged lands and sensitive areas and buffers required to be protected pursuant to [Chapter 22E.010 MMC](#) shall not be included.
- (3) Protected native vegetated areas shall be forested. Where existing vegetation provides minimal canopy cover or where nonnative or invasive plant species provide the predominant cover, a planting plan shall be prepared that includes plant densities that are not less than five feet on center for shrubs and 10 feet on center for trees. This requirement does not apply to preserved wetlands. All plant species shall be native. Seventy percent of planted trees shall be deciduous species of at least



one and one-half inch in caliper. Evergreen trees shall be six feet in height. The community development director may modify the requirements of this section based on site conditions.

(4) Clearing limits shall be surveyed, staked, and fenced with erosion control and/or clearing limits fencing prior to any construction work, including grading and clearing.

(5) Trees shall not be removed from areas proposed to meet the protected native growth area requirement during site development.

(6) Monitoring and maintenance of plants shall be required in accordance with [MMC 22E.010.270](#).

(7) Development within protected native vegetated areas shall be limited to biofiltration swales, storm water dispersion facilities, pervious pedestrian trails, and approved surface water restoration projects. Activities within the protected native growth areas shall be limited to passive recreation, removal of invasive species, amendment of disturbed soils consistent with all applicable regulations, and planting of native vegetation. Development shall be consistent with critical areas requirements and restrictions in [Chapter 22E.010 MMC](#).

(8) A permanent protective mechanism shall be legally established to ensure that the required protected native vegetated area is preserved and protected in perpetuity in a form that is acceptable to the city and filed with the county auditor's office. A permanent protected native vegetated area shall be established using one of the following mechanisms:

(a) Placement in a separate nonbuilding tract owned in common by all lots within a subdivision;

(b) Covered by a protective easement or public or private land trust dedication;

(c) Preserved through an appropriate permanent protective mechanism that provides the same level of permanent protection as [subsection \(8\)\(a\)](#) of this section as determined by the community development director or hearing examiner.

(9) Restrictions on the future use of the protective native vegetated area shall be recorded on the face of the final plat, short plat, binding site plan, or site plan.

#### **22C.260.040**

##### **Preservation and amendment of topsoils.**

The duff layer and native topsoils shall be retained in an undisturbed state to the maximum extent practicable.

(1) Any duff or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

(2) Except as otherwise provided in [subsection \(3\)](#) of this section, areas that have been cleared and graded or subject to prior disturbance shall be amended. Prior disturbance shall include soil compaction or removal of some or all of the duff layer or underlying topsoil. The amendment shall take place between May 1st and October 1st. Replaced topsoil shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions equivalent to the soil moisture holding capacity native to the site. Replacement topsoil shall have an organic content of between eight and 13 percent dry weight and a pH suitable for the proposed landscape plants.

(3) This section does not apply to areas within the dripline of existing trees proposed for retention, or areas that, at project completion, are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

#### **22C.260.050**

##### **Storm water management.**

LID projects shall use infiltration, dispersion, and bioretention to the maximum extent practicable to manage storm water runoff generated on-site.

(1) Infiltration shall be used except where a site assessment demonstrates that infiltration is not feasible due to site conditions or due to probable risk to ground water or to other property.

(2) LID projects shall meet the minimum peak and duration flow control standards per the Department of Ecology Stormwater Management Manual for Western Washington, current city adopted edition.

(3) Flow control facilities may be reduced in size through compliance with LID Technical Guidance Manual Section 7.2.2 – full dispersion for all or part of the development site.

(4) Water quality treatment BMPs shall be provided to treat 91 percent of the annual runoff volume per the Department of Ecology standards.

(5) All site soils disturbed during construction shall be rehabilitated to the specifications of Integrated Management Practice 6.2 of the Low Impact Development Technical Guidance Manual for Puget Sound (2005).

**Table 22C.260.050-1**

	<b>Pond Reduction (Infiltration &lt; 0.30 in./hr. or less) 4,5</b>	<b>Pond Reduction (Infiltration of = 0.30 in./hr. or more) 4,5</b>
Rural Residential	100%	100%
Urban Residential < 6.0 Dwelling Units Per Acre	50%	60%
Urban Residential ≥ 6.0 Dwelling Units Per Acre	50%	60%
Multifamily	40%	80%
Commercial	40%	80%
Roads	50%	50%

The volume reduction in [Table 22C.260.050-1](#) represents a reduction as compared to the volume needed for a detention pond serving a standard development. Notes (5)(a) through (d) below apply to the table.

- (a) Infiltration rates are as measured in the field at the proposed LID location using techniques recommended in the Stormwater Management Manual for Western Washington and the Low Impact Technical Guidance Manual for Puget Sound.
- (b) Multifamily projects are those projects containing more than three dwelling units attached in a single structure, regardless of ownership mechanism.
- (c) All projects with Type A (outwash) soils shall infiltrate 100 percent of runoff.
- (d) Storm water discharges shall match developed discharge durations to predeveloped durations for the range of predeveloped discharge rates from 50 percent of the two-year peak flow up to the full 50-year peak flow.

#### **22C.260.060 Maximum impervious surfaces.**

LID projects shall limit impervious surface coverage as follows:

- (1) New impervious surface shall not exceed 70 percent of the site for nonresidential uses outlined in [MMC 22C.010.060](#) and [MMC 22C.020.060](#).
- (2) New impervious surface coverage shall not exceed the maximum limits in the following table for residential uses listed in [MMC 22C.010.060](#) and [MMC 22C.020.060](#) except hotel/motel uses:

**Table 22C.260.060-2  
Maximum Percent Impervious Area Based  
on Residential Density**

<b>Dwelling Units Per Acre</b>	<b>Maximum % Impervious</b>
≤1.4 du/ac	10%
1.5 – 2.4 du/ac	15%
2.5 – 3.4 du/ac	20%
3.5 – 4.9 du/ac	30%
5.0 – 6.9 du/ac	35%
7.0 – 9.9 du/ac	40%
10.0 du/ac or greater	60%

#### **22C.260.070 Density bonus and dimensional standard modifications.**

- (1) Development may be granted a density incentive pursuant to [Chapter 22C.090 MMC](#).

(2) The city, in its discretion, may allow the following modifications to residential dimensional standards in [MMC 22C.010.080\(2\)](#) to meet the protected native growth area requirement in [MMC 22C.260.030](#) and to accommodate density bonuses received pursuant to [Chapter 22C.090 MMC](#):

(a) Minimum lot area may be reduced for single-family dwellings to 4,000 square feet in the R-6.5 zone and 3,500 square feet in the R-8 zone.

(b) Minimum lot width may be reduced to 40 feet in the R-4.5 and R-6.5 zones.

(3) Modifications requested under this section shall require a justification of necessity according to the provisions of [subsection \(1\)](#) of this section.

#### **22C.260.080**

#### **Review process.**

(1) Except as specifically modified by this chapter, all development occurring under this chapter shall be subject to all applicable requirements and processes of the Marysville Municipal Code.

(2) All standards and requirements of this chapter shall be conditions of approval for the underlying development permits.

(3) All development proposed under this chapter shall be subject to the site assessment requirements of [MMC 14.15.062\(2\)](#). Applicants are encouraged to meet with public works and planning staff following completion of the site assessment and prior to site design to discuss additional analysis that may be required to support the use of LID BMPs, preliminary recommendations on meeting the storm water regulations, and low impact options for site design.